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SYRIA

THE SILENCED KURDS

SUMMARY

Kurds are the largest non-Arab ethnic minority in Syria, comprising about 8.5 to 10 percent of the population of 13.8 million. This report documents the situation of stateless Syrian-born Kurds -- 142,465 by the government's count, and well over 200,000 according to Kurdish sources -- who have been arbitrarily denied the right to Syrian nationality in violation of international law. These Kurds, who have no claim to a nationality other than Syrian, are literally trapped in Syria: not only are they treated in a discriminatory fashion in the land of their birth, but also they do not have the option of relocating to another country because they lack passports or other internationally recognized travel documents. This report also examines policies and practices of the Syrian government that violate the right of Kurds in Syria to enjoy their own culture, use their own language, and otherwise exercise freedom of expression, also in violation of international human rights standards. These issues have received little international attention.

In 1962, an exceptional census stripped some 120,000 Syrian Kurds --20 percent of the Syrian Kurdish population -- of their Syrian citizenship. They were left stateless, and with no claim to another nationality. Decree No. 93, issued in August 1962, ordered that a census be carried out in Hasakeh governorate in northeastern Syria for the purpose of identifying "alien infiltrators." The stated purpose of this census was to discover how many people had illegally crossed the border from Turkish Kurdistan. Kurds had to prove that they had lived in Syria at least since 1945 or lose any claim to Syrian citizenship. The census was one component of a comprehensive plan to Arabize the resources-rich northeast of Syria, an area with the largest concentration of non-Arabs in the country.

By many accounts, the special census was carried out in an arbitrary manner. Brothers from the same family, born in the same Syrian village, were classified differently. Fathers became foreigners while their sons remained citizens. Kurds who had served in the Syrian army lost citizenship while families who

bribed officials kept theirs. This report includes the names of Kuridsh men and women, born in Syria in 1935 or earlier, who lost their citizenship as a result of the census and became "foreigners" (*ajanib*, in Arabic) in their own country. According to Syrian lawyers, as a result of the census "thousands of people went to sleep as Syrians and woke up to find that they no longer were [citizens]."

Since these Syrian Kurds did not -- and do not -- have citizenship in another country, they are stateless as a matter of international law. They have been issued special red identity cards by the Ministry of Interior and, pursuant to discriminatory state policy, are denied many rights which other Syrians enjoy, such as the right to vote, the right to own property, and the right to have marriages legally recognized. They are not entitled to passports and thus cannot exercise the internationally guaranteed right to freedom of movement and to legally leave and return to their own country (Syria). Kurdish sources say that there are now an estimated 200,000 Kurds in Syria who are officially classified as a special category of "foreigners." The Syrian government informed Human Rights Watch in July 1996 that the number is 67,465.

The census of thirty-four years ago in Hasakeh governorate has a continuing and ever-widening impact on the lives of Kurds born in towns and villages in northeastern Syria, due to natural population increase. The number of stateless Syrian Kurds has grown since 1962 because the status is inherited by the Syrian-born children of stateless Kurdish fathers. One Kurdish resident of Hasakeh governorate told us that when his father, who was born in Syria, lost his nationality in the 1962 census, he and his three brothers -- all born in Syria -- became "foreigners" as well. The four brothers have since married, and their thirty-three children, all born in Hasakeh governorate, are not Syrian citizens. In Darbasiyyah, located west of Qamishli, there are approximately 59,000 Kurdish residents in the town and its 200 surrounding villages, according to a well-informed local source. He told us that 20 percent of the Kurdish residents -- some 12,000 people -- are not Syrian citizens although they were born in the country.

Syrian-born Kurds with "foreigner" identity cards face tremendous difficulties in their everyday lives. They are not permitted to own land, housing or businesses. They cannot be employed at government agencies and state-owned enterprises, and cannot practice as doctors or engineers. They are not eligible for food subsidies or admission to public hospitals. They may not legally marry Syrian citizens; if they do, the marriages are not legally recognized for either the citizen or the "foreigner," and both spouses are described as unmarried on their identity cards. Kurds with "foreigner" status do not have the right to vote in elections or referenda, or run for public office. They are not issued passports or other travel documents, and thus may not legally leave or return to Syria. "When you live it, you cannot believe that it is happening to you," one Kurdish "foreigner" who was born in northeastern Syria in 1952 told Human Rights Watch..

Another group of stateless Syrian-born Kurds -- including a significant but thus-far undocumented number of children -- are in an even more tenuous position than those categorized as "foreigners" because they are not issued identity cards and are not listed in official population registers. The Arabic word used in Syria to refer to these Kurds is *maktoumeen* ("unregistered," or "not appearing in the records"), following the terminology that is used to describe them in documents issued by Syrian government ministries.

One of the major objectives of Human Rights Watch in issuing this report is to publicize internationally the existence of the *maktoumeen*. According to information provided by the Syrian government to Human Rights Watch in July 1996, there are 75,000 stateless Kurds with this classification. Children "inherit" *maktoumeen* status from their parents under certain conditions, as explained below. Due to the high birth rate of Kurds, particularly in villages in Hasakeh governorate where families of six or more children are not uncommon, the number of *maktoumeen* will grow rapidly over the coming years, as children with this status come of age, marry, and have children of their own.

Kurdish children become *maktoumeen* when one of the following three conditions apply: if they are the children of Syria-born Kurdish "foreigners" who marry women who are Syrian citizens; if one of their parents is a "foreigner" and the other *maktoum* (singular of *maktoumeen*); or if both parents are *maktoumeen*. Like Kurdish "foreigners" in Syria, the children born of these marriages are not issued passports or other documents that can be used to travel abroad and re-enter Syria. State policies with respect to Syrian-born Kurdish children who are *maktoumeen* contradict the assurances provided by the Syrian government to the U.N. Committee on the Rights of the Child. The government's 1996 report to the committee stated that all children in Syria are treated in nondiscriminatory fashion:

The law protects Syrian and all other children residing in the territory of the state, regardless of race, origin, religion or nationality and without any discrimination between them. No case of discrimination in regard to this protection has ever been reported in Syria.

Syrian children enjoy the same rights without discriminatory treatment on grounds such as race, origin, language or religion. They are treated equally at school and in the various institutions concerned with the welfare and protection of children. They all benefit from the same rights, privileges and services provided by the State.

In the absence of official identity cards, parents of *maktoumeen* are forced into nightmarish procedures simply to ensure that there is some form of written documentation of the identities of their children. Kurdish sources in northeast Syria told Human Rights Watch that children who are *maktoumeen* cannot be admitted to school without the approval of Political Security, one of Syria's internal security forces. One man pointed to his young daughter and said: "It

took me twenty-nine days, going to the police area director, to the security apparatus, to the birth registration office, just to register her for first grade." The process of obtaining permission from the intelligence service for young children to attend school can also bring on harassment and pressure on the male head of household from the local security apparatus.

The Syrian government informed Human Rights Watch in July 1996 that maktoumeen "are accepted [for admission] in all schools." But based on information that we received, it appears that the maktoumeen are treated in a discriminatory fashion and have only limited use of the state education system. After children in Syria complete the first six years of school, they go on to a three-year program of study. After the completion of grades seven to nine, children take an examination and are issued a diploma from the education department, which is required in order to begin the next three years of secondary school, grades ten to twelve. The maktoumeen, however, are not permitted to study beyond the ninth grade, according to testimony that we obtained, because they are issued inferior documents by the education ministry that are not officially recognized. The government did not respond to our written request for information about the procedures that must be used to enroll maktoumeen children in state primary, intermediate and secondary schools.

International Human Rights Standards

The Universal Declaration of Human Rights guarantees the right of every person to a nationality, and provides that no one shall be arbitrarily deprived of his or her nationality. This right is binding on all nations as a matter of customary international law. The Syrian government's denial of citizenship to Syrian-born Kurdish men, women and children with no claim to another nationality is a clear case of discrimination based solely on ethnicity and gender and a flagrant violation of international human rights standards. These stateless Kurds have no basis for claiming citizenship anywhere other than Syria, yet the government has denied them the right to a nationality.

Denial of citizenship to Syrian-born Kurds leaves them in the position of having no passport or other internationally recognized travel document, thus preventing them from exercising the right to freedom of movement guaranteed in the International Covenant on Civil and Political Rights (ICCPR), which Syria has ratified. Freedom of movement includes the right to leave any country, including one's own, and the right to enter one's own country. Without passports or other travel documents, stateless Kurds -- the "foreigners" and the maktoumeen alike -- are unable to exercise these rights.

Syrian-born men with "foreigner" status may not legally marry Syrian citizens; if they do, the marriages are not legally recognized and both spouses are described as unmarried on their identity cards. The Syrian government confirmed this policy, writing the following to Human Rights Watch in July 1996: "[I]n the case that a Syrian female should have the audacity to marry any foreigner,

whether he is a foreigner or Hasakeh [governorate] or elsewhere, that marriage is considered illegal. As a result neither it nor the children that ensue will be registered in the civil registers." This policy is a violation of Article 23 of the ICCPR, which states in its pertinent part: "The right of men and women of marriageable age to marry and found a family shall be recognized."

The state policy of refusing to register children born of marriages between Syrian Kurdish "foreigners" and Syrian citizens, between Syrian Kurdish foreigners" and Syrian-born maktoumeen, and between Syrian-born maktoumeen also violates international human rights standards. Lastly, the maktoumeen are not provided with legally recognized identity documents. This is a clear violation of Article 26 of the ICCPR, which states: "[T]he law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

Syria's nationality law differentiates between men and women in terms of their ability under the law to pass on citizenship to their children. According to the law, women can pass on Syrian nationality to their children born in Syria only if the paternity of the child has not been legally established. In contrast, the law states that Syrian nationality is passed on to children born in Syria or outside the country if their father is of Syrian nationality. By restricting the ability of women -- but not men -- to pass on Syrian citizenship to their children, the Syrian government violates the international prohibitions against gender discrimination found in Article 26 of the ICCPR.

The Syrian government's policies and practices with respect to Kurdish children it has made stateless violate international standards that have been codified to protect the rights of children. Syria ratified the Convention on the Rights of the Child in June 1993, and is violating its provisions systematically. The denial of Syrian nationality to Kurdish children born in Syria is a blatant case of discrimination based on ethnicity, in violation of the Convention, which provides guarantees to every child to the right to be registered and the right to acquire a nationality. Kurdish children born in Syria -- some of them classified as "foreigners," and others as maktoumeen -- are singled out solely because of their status as members of the Kurdish ethnic minority.

In cases where authorities stripped Syrian-born Kurdish children of their nationality, such as in the aftermath of the 1962 special census conducted in Hasakeh governorate, the government is in violation of Article 8 of the Convention, which states:

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to speedily re-establishing his or her identity.

The state's discriminatory treatment of Syrian-born Kurdish children in the area of education violates the provisions of Article 28 of the Convention, which guarantees the right of the child to education "on the basis of equal opportunity." The issuance of inferior documents to the maktoumeen, upon their successful completion of compulsory public school examinations, is a clear case of discrimination based on ethnic and legal status.

The Syrian government's obligations under international law require it to initiate legal and administrative reforms to remedy the numerous violations of the rights of stateless Kurdish children.

Suppression of Ethnic Identity

International human rights law provides ethnic, religious and linguistic minorities in every country the right to equal protection of the law without discrimination, and the right to enjoy their own culture, to profess and practice their own religion, or to use their own language. Syrian authorities violate these international standards with impunity through the use of discriminatory laws, decrees and directives that are applied only to the Kurdish minority.

Suppression of the ethnic identity of Kurds by Syrian authorities has taken many forms. Restrictions have included: various bans on the use of the Kurdish language; refusal to register children with Kurdish names; replacement of Kurdish place names with new names in Arabic; prohibition of businesses that do not have Arabic names; not permitting Kurdish private schools; and the prohibition of books and other materials written in Kurdish.

Syrian Kurds also complained to Human Rights Watch about other forms of state-sponsored or state-sanctioned discrimination. They claimed that Kurds are not accepted in Syria's military colleges, and pointed out that it is extremely rare for a Kurd to be appointed a judge or prosecutor. In the last few years, it reportedly has become increasingly difficult for Kurds to gain admission to the country's three medical schools.

Syrian authorities have also harassed suspected Kurdish political activists and, in arbitrary fashion, have dismissed them from their jobs at state-owned companies and from educational institutions where they were studying. Kurds, including well-known political leaders, have been prevented from traveling abroad because authorities have refused to renew their passports.

RECOMMENDATIONS

To the Syrian Government:

- Take immediate steps to redress the stateless status of all Kurds who were born in Syria, and offer citizenship to all Kurds with strong ties to Syria by reason of birth, marriage, or long residence in the country and who are not otherwise entitled to citizenship in other countries. Such measures will bring Syria into compliance with international law, including the U.N. Convention on the Rights of the Child, which Syria has signed.
- Restore Syrian nationality to those Kurds and their descendants from whom such nationality was stripped as a result of the special census conducted in 1962 in Hasakeh governorate.

Take immediate steps to ensure, in particular, that every child born in Syria has the right to acquire a nationality and is not stateless.

- Establish fair, open and transparent administrative and other procedures for restoring and granting citizenship to Syria-born Kurdish residents of the country, and ensure that decisions resulting from such administrative or other procedures are subject to judicial review.
- Encourage the National Committee to Monitor the Implementation of the Convention on the Rights of the Child, which is chaired by the Minister for Social Affairs and Labor, to examine the issues raised in this report concerning discrimination against stateless Syrian-born Kurdish children, and investigate in particular the problems of children who are classified as maktoumeen. The National Committee should consider the recommendations made in this report, and should make its own recommendations to appropriate Syrian government ministries in order to bring Syria into compliance with its obligations as a party to the Convention on the Rights of the Child.
- Review all government decrees and directives that apply uniquely to the Kurdish minority in Syria, and abolish discriminatory decrees and directives that are in violation of international law. Ensure that Kurdish residents of Syria, citizens and stateless alike, are protected against discrimination on grounds such as race, language, political or other opinion, and national or social origin, as required under international law.
- Ensure that Syria's Kurds have the right to enjoy their own culture and use their own language, and the right to freedom of expression, including the right to seek, receive and impart information and ideas orally, in writing and through any other media, as required under international law. Abolish all laws and administrative decrees and directives that restrict the enjoyment of these rights.
- Release all prisoners in Syria who are detained or serving sentences solely

because they exercised the right to freedom of expression and freedom of association. If charged with a recognizable criminal offense, they are entitled to a prompt and fair trial in which their due process rights are safeguarded.

To the European Union and Its Member States:

- The European Council of Ministers, the European Commission, and the European Parliament should examine violations of the internationally recognized human rights of Syria's Kurdish minority by Syrian authorities, including the purposeful creation of statelessness in the Syrian Kurdish community.
- The European Council of Ministers, the European Commission, and the European Parliament should vigorously urge Syrian authorities to ensure that nationality is restored to all currently stateless Syrian Kurds, including children, and to ensure that Syrian Kurds have the right to freedom of expression and the right to enjoy their own culture and use their own language, as required under international law.
- Member states should press for the adoption of the recommendations in this report in bilateral and European Union discussion with Syrian government officials. Further, in visits to Syria by European Union officials, the recommendations in this report should be discussed with Syrian officials and pursued with determination.
- The European Council of Ministers and the European Commission should, without any further delay, present the progress report on human rights in Syria to the European Parliament, in accordance with the commitment made by the Commission during the debate on the Fourth Protocol on financial and technical cooperation with Syria in December 1993.
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- Member states should show restraint in arms export policy toward Syria until the Asad government makes measurable improvement in its human rights record, including respect for the internationally recognized rights of the Kurdish minority in Syria. Human Rights Watch makes this recommendation based on the common criteria for arms exports agreed to by the European Council in its Declaration on Non-proliferation and Arms Exports issued at its 1991 Luxembourg meeting and in the conclusions of its 1992 Lisbon meeting. These common criteria include respect for human rights on the part of the country of final destination.

To the Clinton Administration:

- Discontinue the policy of public silence concerning the human rights record of the Asad government, and direct appropriate U.S. State Department officials

to express publicly the U.S. government's concern about continuing human rights abuses in Syria, including violations of the rights of the Kurdish ethnic minority.

- Raise the issues outlined in this report with Syrian government officials at the highest levels, and press for the adoption of the report's recommendations.
- Encourage the Syrian government to take the appropriate legal and administrative measures to ensure that nationality is restored to all stateless Syrian-born Kurds, including children.
- Encourage the Syrian government to take the appropriate legal and administrative measures to ensure that the Syrian Kurds enjoy the right to equal protection of the law without discrimination, the right to freedom of expression and association, and the right to enjoy their own culture and use their own language, as required under international law.
- Inform Syrian authorities that measurable progress on these matters will be noted in the U.S. government's assessment of human rights conditions in Syria.

To the United Nations Human Rights Committee:

- Request from Syria an urgent report on the status of stateless Syrian-born Kurds with respect to the government's compliance with Articles 12, 24 and 26 of the International Covenant on Civil and Political Rights.

To the United Nations Committee on the Rights of the Child:

- Consider the information presented in this report during the Committee's working group meeting in October 1996.

INTRODUCTION

By measures of religion and ethnicity, the Syrian Arab Republic is a heterogeneous society. The country's religious groups include Sunni and Shi'a Muslims, `Alawis, Druzes, Christians of various confessions, and a tiny community of Jews. The major non-Arab ethnic minorities are Kurds, Armenians and Circassians. Syria is also home to 334,870 Palestinians who were officially registered as refugees with the United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA) as of June 1995.

Kurds are the largest non-Arab ethnic minority in Syria.¹ Their native tongue is Kurdish, an Indo-European language that is part of the Indo-Iranian subgroup which includes Farsi. Most Kurds are followers of the Sunni Muslim faith, although a large minority belong to Shi'a Muslim sects, and smaller numbers are non-Muslim Yazidis. The largest concentration of Kurds in Syria is Hasakeh

governorate in the northeastern part of the country. Aleppo governorate in the northwest is also home to a significant number of Kurds, particularly in and around 'Ayn al-'Arab, and in Afrin and its surrounding villages (an area known in Kurdish as *Kurd Dagħ*, or Kurdish Mountain).² Kurds also reside in the cities of Damascus, Aleppo, and Latakia, a port on the Mediterranean coast where thousands trace their roots back to the time of Salah al-Din.³

There are no reliable statistics on the total number of Kurds in Syria, although credible sources place the number of Kurds at 8.5 percent to 10 percent of the population of 13.8 million.⁴ The Syrian government informed Human Rights Watch in July 1996 that it has no information about the total number of Kurds in Syria. "[T]he provisions of the Constitution as specified in Article 25...stipulate that all citizens are equal under the law as concerns their rights and duties. Therefore, no governmental institution in Syria differentiates between Syrian citizens and non-citizens, Kurdish or others. It is not feasible for this reason to know what the number of Syrian Kurds is by means of civil registers or population censuses, and it is impossible to provide any figures as to their numbers."⁵

Despite the hundreds of thousands of Kurds in Syria, their presence sometimes goes unmentioned in descriptions of Kurds in the region.⁶ Kurdish political activists believe that the number of Kurds in Syria is systematically underestimated, and point out that tens of thousands of Kurds lost Syrian citizenship pursuant to an exceptional government census in 1962 in Hasakeh governorate.

This report focuses on the stateless Syrian-born Kurds --142,465 by the Syrian government's count, and well over 200,000 according to Kurdish sources -- who have been arbitrarily denied the right to Syrian nationality. The overwhelming majority of them, stripped of their citizenship over thirty years ago in the controversial 1962 census, are forced to live in the country of their birth as "foreigners" (*ajanib*, in Arabic). Since these Kurds did not -- and do not -- have citizenship in another country, they are stateless as a matter of international law. They have been issued special red identity cards by the Ministry of Interior and, pursuant to discriminatory state policy, are denied many rights which other Syrians enjoy, such as as the right to vote, the right to own property, and the right to have marriages legally recognized. They are not entitled to passports and thus cannot exercise the internationally guaranteed right to freedom of movement and legally leave the country. It is estimated that there are now some 200,000 Kurds in Syria who are officially classified as "foreigners." But the Syrian government informed Human Rights Watch in July 1996 that the number is significantly lower: 67,465 as of October 31, 1995.

Another group of stateless Syrian-born Kurds -- including a significant but thus-far undocumented number of children -- are in an even more tenuous position than those categorized as foreigners because they are not issued

identity cards and are not listed in official population registers. The Arabic word used in Syria to refer to them is *maktoumeen* ("unregistered" or "not appearing in the records"), following the terminology that is used to describe them in documents issued by Syrian government ministries.⁷ Children "inherit" the status from their parents, under certain conditions.⁸ Due to the high birth rate of Kurds, particularly in villages in Hasakeh governorate where families of six or more children are not uncommon, the number of *maktoumeen* will grow rapidly over the coming years, as children come of age, marry, and have children of their own. Two European embassies estimated the number of Kurdish *maktoumeen* at 22,000 in 1994, but the Syrian government informed Human Rights Watch in July 1996 that the number of non-registered "foreigners" in Hasakeh governorate was approximately 75,000 in 1995.

The issue of the stateless Kurds in Syria has received little international attention. The U.S. Department of State, for example, devoted only two sentences to this subject in its annual country report on human rights conditions in Syria, issued in March 1996:

Although the Government stopped the practice of stripping Syrian Kurds of their Syrian nationality (some 120,000 lost their nationality under this program in the 1960's), it has never restored this nationality. As a result, the offspring of those who had lost their citizenship have been unable to obtain passports or identification cards.

This brief commentary regrettably provides an incomplete picture of the stateless Kurds in Syria. It neglects to mention the two categories of stateless Kurds -- foreigners and *maktoumeen* -- and the practical consequences that result from such classifications by authorities. Human Rights Watch/Middle East urges the U.S. State Department, in next year's report, to include detailed information about the legal and practical problems faced by Syrian-born Kurds who have been made stateless by their government based solely on two arbitrary factors: their ethnicity and their residence in Hasakeh governorate.

DENIAL OF A NATIONALITY

In 1962, an exceptional census stripped an estimated 120,000 Syrian Kurds -- 20 percent of the Syrian Kurdish population -- of their Syrian citizenship. Decree No. 93, signed in August 1962 by then-president of the republic Nazim al-Qudsi, ordered that a census be conducted of all persons residing in Hasakeh governorate in northeastern Syria. According to the Syrian government, the purpose of the census was to identify Kurds who in 1945 "began to infiltrate" into Syria, settled in towns along the Syrian-Turkish border, and illegally registered with authorities and obtained Syrian identity cards. The influx was such that Kurds "began to constitute the majority" in towns such as Malikiyyah and `Amoudeh, the government reported. Thus, "[t]he purpose of the census was to purge the governorate's registers...so that they would contain only the registrations of those whose Syrian citizenship could be established, and

eliminate the alien infiltrators (*al-mutasalliliin al-'aghraab*).⁹ Residents of Hasakeh determined to be Syrian citizens were entered in new population registers; others were registered as "foreigners" in a special register. The census served, in effect, as a sweeping mechanism to disenfranchise large numbers of Syrian Kurds and their descendants.

Background: Arabization Initiatives in Northeastern Syria

The 1962 census was one component of a comprehensive plan to Arabize the Kurdish northeast of Syria along the Turkish-Syrian border.¹⁰ "The government wanted to eliminate 150,000 Kurds and bring in Arab settlers," a Kurdish political activist in Hasakeh told us. "It wanted to force the Kurds to leave the governorate, which was 70 to 80 percent Kurdish. Beginning in 1973, they moved Arab settlers to the border area with Turkey." This "Arab belt" (*al-hizam al-'arabi*, in Arabic) was some ten to fifteen kilometers wide and 375 kilometers long, from Ras al-'Ayn east to Malikiyyah near the Syria-Iraq border.¹¹

Northeastern Syria is rich in resources, particularly the fertile plain known as the Jazira, bounded on the east and west by the Tigris and Euphrates rivers, respectively.¹² "This area produces two sources of hard currency for Syria," a Kurdish engineer told us. "Petrol, and about 80 percent of the cotton and grains. But the money is spent elsewhere, not here."¹³ Western diplomats have also noted that the state sought to depopulate the area of its Kurdish residents, and have suggested that its oil reserves may have been a contributing factor in this decisionmaking.¹⁴ Another apparent concern was the fact that the Jazira has the largest population of non-Arabs in Syria.¹⁵

The Arab Belt initiative included the expropriation of prime Kurdish land as part of a national agrarian reform plan, and the settlement of Syrian Arabs in model villages that each contained 150 to 200 homes.¹⁶ Kurdish residents resented the state's favorable treatment of the settlers. A Kurdish engineer from the area said this:

The government built them homes for free, gave them weapons, seeds and fertilizer, and created agricultural banks that provided loans. From 1973 to 1975, forty-one villages were created in this strip, beginning ten kilometers west of Ras al-'Ayn. The idea was to separate Turkish and Syrian Kurds, and to force Kurds in the area to move away to the cities. Any Arab could settle in Hasakeh, but no Kurd was permitted to move and settle there.¹⁷

The settlement campaign was halted by President Hafez al-Asad in 1976, according to Fouad Ali Kuh of the Democratic Unity Party in Syria, but the status quo was not reversed.¹⁸ Not all of the Arab settlers remained permanently in the area, according to Kurdish sources. "There are two types of settlers: those who stayed, really integrated and now speak Kurdish, and the temporary residents who do not invest here, are not comfortable here, and live

here only during the planting and the harvest," the engineer noted. Kurds claim, however, that until now the government inflates population statistics for the Arab villages along the border while underestimating the number of Kurdish residents.

The 1962 Census and Its Consequences

Decree No. 93 specified that the village-by-village census in Hasakeh governorate be conducted in one day, on October 5, 1962. According to Syrian lawyers, "the committees of the census traveled all over the governorate and surveyed every person they found All the survey lists were collected, and a special committee was established [to determine who had the right to Syrian citizenship]. The result was that thousands of people went to sleep as Syrians and woke up to find that they no longer were [citizens]."19

Abu Cheto, a Syrian Kurd who was born in a village in Hasakeh governorate, as was his father, described his memories of the census and how he became a foreigner in the country of his birth:

They registered the names of everyone in each house -- the mother, the father, and all the children. They made a list and sent it to Damascus. When the list came back, most of us became foreigners. My father lost his Syrian nationality as a result of the census.20

By many accounts, the special census was carried out in an arbitrary manner. Brothers from the same families, born in the same Syrian villages, were classified differently. Fathers became foreigners while their sons remained citizens. Kurds who had served in the Syrian army lost citizenship while families who bribed officials kept theirs. The decree authorizing the census required Kurdish residents to prove that they had lived in Syria at least since 1945. The names follow of four Kurdish couples, all born in Syria in 1935 or earlier, who lost their citizenship as a result of the census. These men and women have twenty-five children between them, all born in Syria between 1955 and 1983.21 All the children are officially registered as "foreigners."

- Ahmad Umar, born in 1925 in Qamishli, and his wife Zayni, born in 1935 in `Amudah, are both "foreigners." They now live in Salihiyya village; their six children, all born in Salihiyya between 1960 and 1970, are "foreigners." The names of the children are: `Abd al-Rahman, Nura, `Atiyya, Hureen, Hassan and Husayn.

- `Abd al-Rahman Shaykh Mousa, born in Khas in 1905, and his wife Hanifa Khalil, also born in Khas, are registered as "foreigners." Their two children, Kasouma, born in Salihiyya in 1955, and Ramziyya, born in Salihiyya in 1958, are also registered as "foreigners."

• Majid Hassu, born in Salihiyya in 1915, and his wife Shaha Hassan, born in Salihiyya in 1925, are registered as "foreigners." Their nine children, all born in Salihiyya between 1955 and 1972, are also registered as "foreigners." The names of the children are: Dhiyab, Husayn, Yusuf, Khalil, Ubayda, Ahmad, Fatima, Muhammed and Hamdiyya.

• Farhan Mahmoud Ibrahim, born in Sa`diyya village in 1935, and his wife Sultana Husayn Muhammed, born in Sa`diyya in 1945, are registered as "foreigners," as are their eight children, all of whom were born in Sa`diyya between 1965 and 1983. The names of the children are: Uthman, Sulayman, Amina, Badr al-Din, Fatima, Hajira, Haval, and `Abd al-Rahim.

Syrian lawyers, providing an explanation of why long-term residents of Syria who were born in the country lost their citizenship, have argued that authorities made the period for challenging an individual denationalization inexplicably and unreasonably brief:

Some of them succeeded in getting their Syrian citizenship back when they proved their citizenship through the tax records that used to be imposed on Syrians during the Ottoman Turkish colonization. After a short period, these records were sealed by the government, and the Central Committee for Statistics was cancelled, and in this way the possibility of regaining Syrian citizenship was sealed again in their faces, for reasons that are not clear.

In his answer regarding the Central Committee for Statistics that was specific to [Hasakeh] governorate, the interior minister said at the parliament session on November 3, 1992, that "the mission of the committee was completed, because it handled what it handled and confirmed what it confirmed, and did not confirm what it was not eligible to confirm." This answer was not convincing or clear, because it obscures the fate of tens of thousands who do not have citizenship, [yet] have lived in this country for tens of years.²²

The Syrian government acknowledged to Human Rights Watch that the census results contained errors, "including the registration of a large number of persons of Syrian Arab origin as foreigners and the registration of others who do not have Syrian Arab nationality as Syrian." But it also pointed out that those individuals who were incorrectly registered had the right of appeal. According to the government, "[a]s a result of the investigation of these protests and successive extensions of the deadline for their submission, the number of those registered as foreigners decreased from 84,000 persons in 1966 to 40,587 in 1986."²³

The number of Syrian-born Kurdish "foreigners" has grown since 1962 because children inherit the "foreigner" status of their fathers, even if their mothers are Syrian citizens.²⁴ One Kurdish resident of Hasakeh governorate told us that when his father, who was born in Syria, lost his nationality in the 1962 census, he and his three brothers -- all born in Syria -- became "foreigners"

as well. The four brothers have since married, and their thirty-three children, all born in Hasakeh governorate, are not Syrian citizens.²⁵ In Darbasiyyah, located west of Qamishli, there are approximately 59,000 Kurdish residents in the town and its 200 surrounding villages, according to a well-informed local source. He told us that 20 percent of the Kurdish residents -- some 12,000 people -- are not Syrian citizens although they were born in the country.²⁶

These Kurds, and others like them who have no claim to a nationality other than Syrian, are literally trapped in Syria: not only are they treated in a discriminatory fashion in the land of their birth, but also they do not have the option of relocating to another country because they lack passports or other internationally recognized travel documents.

Additional Syrian-born Kurds have been denationalized in an arbitrary manner since the 1962 census, although apparently in much smaller numbers. Citizenship was reportedly removed from a group of Kurds in 1973, and others have reportedly been stripped of their citizenship since this time. "We do not know the exact number, but it was at least in the hundreds," said one of our Kurdish sources in the northeast. A Kurd who had completed his compulsory military service, and then served with distinction in the 1973 Arab-Israeli war after he was called up for reserve duty, learned that his name was listed as a foreigner "while he still had the rifle on his shoulder," a friend reported. "If it was not for his fear of the security forces, he would have been here wearing his medal of honor to talk to you," he said. He also recounted the case of a neighbor who lost his citizenship after he graduated from one of the best universities in Syria two or three years ago:

Soon after his graduation, they pulled his identity card without reasons or excuse. He ended up losing himself. From a university degree, he has dropped down to repairing shoes. He has evidence -- a family book, papers, documents -- to prove that he is a citizen, but it did not help.²⁷

Syrian defense lawyers argued to the state security court in 1994 that "the stateless [Kurds] have been and still [are] suffering from exhausting circumstances and difficult conditions." Indeed, the consequences of the special census of thirty-two years ago have been severe for those who were denationalized and their children, as explained below. There are two categories of stateless Syrian Kurds: the "foreigners" and the maktoumeen.

The Kurdish "Foreigners"

The Kurds in Hasakeh governorate who were stripped of their citizenship in 1962 were provided with a simple white piece of paper that read: "He had no name available in the registration lists of Syrian Arabs specific to Hasakeh." We saw one of these documents, which a stateless Kurd who lives in Qamishli still keeps among his personal papers. Beginning in 1980, according to information we obtained, these papers were replaced by special red identity cards issued by

the Civil Affairs Administration of the Ministry of Interior. We also saw these new identity cards. The card makes clear that its bearer is not a Syrian Arab, and states that the card cannot be used for travel abroad.

The front of the card includes a photograph of the bearer on the left and a number and date on the right. Underneath is the bearer's name, family name, names of parents, place and date of birth, marital status, place and number of registration, and date of registration. Below this information is the following statement: "There is no name available for him as a result of the census of 1962." Next to the photograph of the bearer of the card is this statement: "Not applicable for travel outside the country." The reverse side of the card includes the following text:

The mentioned person has no registration in the registration of Syrian Arabs in Hasakeh Governorate as a result of the 1962 census, and on demand a copy of the above registration was registered in the registry of foreigners in that governorate.

This statement is dated, and signed by the head of the civil administration of the ministry of interior in the locality nearest the bearer's place of residence. The official signature is accompanied by a circular official stamp that reads:

Ministry of Interior

Civil Affairs Administration in [name of city or town]

General Directorate of Civil Status

The Syrian government has stated that restrictions applied to other foreigners in Syria do not apply to the Kurds who are registered as "foreigners" in Hasakeh governorate, and that the Kurds "exercise the rights and undertake the activities that are in principle confined to Syrian citizens."²⁸ The government's statement that these Syrian Kurds can in effect exercise the rights of citizens is to be welcomed as an acknowledgment of the inequity of their nominal status of "foreigner." However, the practical restrictions imposed on them continue to be extraordinary. Kurds interviewed by Human Rights Watch disputed vigorously that they had the rights of other Syrians, noting that individuals who carry the special red "foreigner" identity cards face tremendous difficulties in their everyday lives:

- They are not permitted to own land, housing or businesses, a fact which the government does not dispute.²⁹
- They are not eligible for food subsidies³⁰ or admission to public hospitals.

- They cannot be employed at government agencies and state-owned enterprises, although the government maintains that this is not the case.^{[31](#)}
- They cannot practice as doctors or engineers, a claim also disputed by the government.^{[32](#)}
- They do not have the right to vote in elections or referenda, or run for public office.
- They are not issued passports or other travel documents, and thus may not legally leave or return to Syria as a matter of right. The government provided Human Rights Watch with additional information about the restrictions on freedom of movement: "They are permitted to travel within the country on the basis of the special identity papers they carry. In addition, they are permitted to travel outside the country under specific circumstances for medical treatment or study. They do so on the basis of a one-time exit permit and with the consent of the Minister of Interior."^{[33](#)}
- Syrian-born men with "foreigner" status may not legally marry Syrian citizens; if they do, the marriages are not legally recognized for either the citizen or the "foreigner," and both spouses are described as unmarried on their identity cards. The Syrian government confirmed the policy, writing this to Human Rights Watch in July 1996: "[M]arriages between Syrian citizens and [non-Arab] foreigners are not permitted, except with prior authorization by the Ministry of the Interior....[R]equests for marriage between foreigners of Hasakeh [governorate] and Syrians are studied. The ministry generally consents to the marriage of a Syrian male citizen to a female foreigner of Hasakeh, even if she has been registered as a foreigner there, to enable her to acquire the citizenship of her husband according to the citizenship law. When the ministry has reservations against consenting to the marriage of a male foreigner of Hasakeh, especially when he has not been registered as a foreigner there, to a Syrian female citizen, it does so to preserve her citizenship, given that he has no clearly defined citizenship and his children also will not. *Thus, in the case that a Syrian female should have the audacity to marry any foreigner, whether he is a foreigner of Hasakeh or elsewhere, that marriage is considered illegal. As a result, neither it nor the children that ensue will be registered in the civil registers.*" (Emphasis added by Human Rights Watch.)

The census of thirty-four years ago in Hasakeh governorate has a continuing and ever-widening impact on the lives of Kurds born in northeastern Syria, due to natural population increase. Syrian Kurds in Hasakeh governorate who do not have Syrian citizenship now number at least 200,000, according to Kurdish sources. About 73,000 live in the environs of Qamishli, Darbasiyyah and `Amudah, and another 120,000 to 130,000 in the areas of Hasakeh city, Malikiyyah and Qahtaniyyah.^{[34](#)} Human Rights Watch requested information from Syrian authorities in May 1996 about the population of Hasakeh governorate, the percentage of the population that is Kurdish, and the number of Kurds in the

governorate who are classified as "foreigners" or maktoumeen, including children. The government provided information about the number of "foreigners" (67,465) and maktoumeen (75,000), without specifying how many were children.³⁵

In towns and villages throughout Hasakeh governorate, there are Syrian-born families with citizenship and Syrian-born families with "foreigner" status living as neighbors. For example, there were sixty-five families in Sa'diyya village in Qahtaniyyah near Qamishli in April 1995, according to information obtained by Human Rights Watch/Middle East.³⁶ The male heads of household of over half (thirty-five) of these families were classified as "foreigners," while the remaining thirty were citizens. Cases from this village include:

- Tawwaf Ramadan, born in the village in 1960, is a "foreigner." His four children -- Fouad, Nadhir, Muhammed and Chiyan -- born in the village between 1990 and 1994, are not citizens.
- Ramadan Uthman, also born in the village in 1960, is a "foreigner." His six children -- Samiha, Sulayman, Shireen, Jivan, Hamid and Ghazala -- born in the village between 1981 and 1995, are not citizens.
- Farfaz Farhan Husayn, born in the village in 1960, is a "foreigner," as are his seven children: Amina, Gulnaz, Hassan, Huzni, Gulistan, Shivan, Dalil, and Najah. The children were born in the village between 1982 and 1993.
- Mahmoud Ibrahim was born in the village in 1953. He and his twelve children are "foreigners." The names of the children, all born in the village between 1976 and 1995, are: Raniya, Nadiya, Amir, Bahzad, Fadiya, Najah, Rawiya, Sabri, Khana, Qadri, and twins Shirihan and Shirivan.

The special red identity cards issued to Kurdish "foreigners" allow authorities to identify and harass them easily. In 1995, security forces targeted the owners of small businesses in Ras al-'Ayn, a town west of Qamishli, close to the Turkish border. "Most of the shopkeepers have red identity cards. All that is left for them is to own private businesses, since they cannot work in the state sector. One and a half months ago, State Security [one of the internal security forces in Syria] came to Ras al-'Ayn and asked shopkeepers for their identity cards," a Kurdish political activist told us. "Those without [Syrian citizen] cards were told to go to the Ministry of Social Affairs in Hasakeh and prove that they had a right to own the businesses."³⁷ To circumvent problems such as these, stateless Syrian-born Kurds often arrange for their businesses and property, including land that they have purchased and homes that they have built, to be registered in the names of Kurds who are citizens.

"When you live it, you cannot believe that it is happening to you," said a Kurdish "foreigner" who was born in northeastern Syria in 1952. He added:

These problems have forced thousands to leave the country on false passports. There is only one good thing we have. We get married, we have ten or more children, and in spite of this we will die as single men.³⁸

The Kurdish Maktoumeen

One of the major objectives of Human Rights Watch/Middle East in issuing this report is to publicize internationally the existence of a subcategory of stateless Syrian Kurds: the maktoumeen.³⁹ The Syrian government refers to this group of Kurds, which includes a large number of children, as "alien infiltrators."⁴⁰ European diplomats reported in 1994 that there were over 20,000 stateless Kurds with this classification. "Their number was estimated four years ago at 15,400," stated the confidential report prepared by two European embassies in Damascus. "Today they may number as many as 22,000. Needless to say, their position is even worse than those registered as foreigners."⁴¹ But it now appears that the number of maktoumeen is significantly higher, by the Syrian government's own admission. In a reply to Human Rights Watch received in July 1996, the government wrote that in addition to the Kurds in Hasakeh officially registered as foreigners, "there are other foreigners who infiltrated into the governorate after the [1962] census. They continue to reside there illegally and do not possess any official documents. No census of these persons has been conducted, but their number was estimated to be approximately 60,000 in 1985 and has risen to approximately 75,000 in 1995." Our request that the government provide statistics about the number of maktoumeen who are children -- a major concern in this report -- went unanswered.

To the best of our knowledge, it appears that Kurdish children are categorized as maktoumeen when one of the following three conditions apply: if they are the children of Syria-born Kurdish "foreigners" who marry women who are Syrian citizens; if they are children of "foreigners" married to maktoumeen; or if they are the children of two maktoumeen.

Unlike the Syrian Kurdish foreigners, the children born of these marriages are not only stateless but, as a matter of government policy, they are not provided with special red identity cards and are not listed in official population registers.⁴² Like Syrian Kurdish "foreigners, however, they too are not issued passports or other documents that can be used to travel abroad and re-enter Syria. The policies applied to these Syrian-born Kurdish children contradict the assurances provided by the Syrian government to the U.N. Committee on the Rights of the Child. The government's 1996 report to the committee stated that all children in Syria are treated in nondiscriminatory fashion:

The law protects Syrian and all other children residing in the territory of the state, regardless of race, origin, religion or nationality and without any discrimination between them. No case of discrimination in regard to this protection has ever been reported in Syria.

Syrian children enjoy the same rights without discriminatory treatment on grounds such as race, origin, language or religion. They are treated equally at school and in the various institutions concerned with the welfare and protection of children. They all benefit from the same rights, privileges and services provided by the State.⁴³

Abu Cheto, mentioned above, married a Syrian citizen in 1975 but, pursuant to prevailing state policy, the marriage was not recognized and therefore was not officially registered. Their nine children, all born in Syria in the same village as Abu Cheto and his father, were not entitled to the "foreigner" status of their father, but are maktoumeen. Abu Cheto explained:

There are three categories of people living in this house. My wife is a citizen. I am a foreigner (*ajnabi*, in Arabic). My children are neither citizens nor foreigners -- they are maktoumeen. I have no rights, but at least I exist on paper and have a red identity card. My children do not have identity cards. They do not exist. Cows are higher than my children. Cows at least have registration cards.⁴⁴

Abu Cheto's children are not unique. For example, there were thirty-two Kurdish families living in Salihiyya village near Ras al-'Ayn in Hasakeh governorate in April 1995. According to information obtained by Human Rights Watch/Middle East, there were thirteen male heads of household with status as citizens and nineteen classified as "foreigners." The children born in the village are categorized either as "foreigners" or maktoumeen, depending on the legal status of their parents. The cases follow of twenty-six children in the village who are maktoumeen:

- `Ali Shaykh Mousa, who was born in Khas in 1948, is registered as a "foreigner." He married Turkiyya Husayn, who was born in `Amudah in 1955 and is one of the maktoumeen. Their eleven children, born between 1970 and 1989, are maktoumeen. The names of the children are: Salah, Mahmoud, `Abd al-Rahman, Dilshah, Surur, Ahmad, Kani War, Kawa, Rudi and Aveen.

- `Ali's younger brother, Ahmad Shaykh Mousa, born in Khas in 1951, is also registered as a "foreigner." His wife, Sultana Tamr, born in Salihiyya in 1955, is a Syrian citizen. Their ten children, born in Salihiyya between 1975 and 1994, are maktoumeen. The names of the children are: Najla, Hamrin, Kaska, `Abd al-Rahman, `Abd al-Rahim, Rahima, Halima, Ghazal, Amal and `Abd al-Halim.

- Husayn Hassu was born in Salihiyya in 1957 and is registered as a "foreigner." His wife Sakina Hassan is a Syrian citizen who was born in `Amudah in 1962. The couple's five children are maktoumeen. The names of the children, all born in Salihiyya between 1981 and 1995, are: Raniya, Mariam, Hassan, Mahmoud, and Muhammed.

In contrast, other Kurdish children in Salihiyya village -- born there in the same year as the children who are maktoumeen -- have status as "foreigners." These are children whose mothers and fathers both have "foreigner" status and carry red identity cards. For example, Mousa, another younger brother of `Ali Shaykh Mousa (mentioned above), was born in Khas in 1955. He married Hamdiyya Shaykhu who was born in Khas in 1957. Their six children, born in Salihiyya between 1974 and 1993, are all "foreigners." Thus, the three Shaykh Mousa brothers, all born in Syria, have a total of twenty-seven children, all born in the same Syrian village in the 1970s, 1980s, and 1990s. Of these children, none are Syrian citizens, six are "foreigners," and twenty-one are maktoumeen.

We found a similar pattern in other villages. In Aliya al-Gharbiyya near Darbasiyyah in Hasakeh governorate, some children born in the village are registered as "foreigners" while others are maktoumeen.⁴⁵ Khalil Timi was born in Aliya al-Gharbiyya in 1955. He is registered as a "foreigner" and his seven children, all born in the village between 1980 and 1993, are "foreigners." In contrast, other children in the village, born there between 1987 and 1995, are maktoumeen. In these cases, the children's status as maktoumeen appears to result from marriages between two maktoumeen, or between Kurdish men who are maktoumeen and women who are Syrian citizens. For example, `Abd al-Hamid Dirbas, who was born in the village in 1972, is maktoum. He married Syrian citizen Tarfa Dirbas. Their two children, Hassan, born in the village in 1993, and Muhammed, born there in 1995, are maktoumeen.

In the absence of official identity cards, parents of the maktoumeen are forced into nightmarish procedures simply to ensure that there is some form of written documentation of the identities of their children. "I go to the *mukhtar*⁴⁶ with my wife and two witnesses. We swear that this is our child. We ask the mukhtar to accept our testimony that this is our child, so that the child can go to school," one father told us. The mukhtar writes a letter to this effect, which is then brought to the local police chief for signature. For stateless Kurdish families, the letter is more a symbolic reassurance than anything else. The police chief merely attests to the authenticity of the signature and seal of the mukhtar; the document does not serve as an official identity document, Kurdish sources said. In its reply to Human Rights Watch in July 1996, the Syrian government presented another view: "They are given certificates of identity by the mukhtars stating that they are maktoum. These certificates are considered valid by all parties concerned."⁴⁷ Our query about why these Syrian-born children were not issued official identity cards went unanswered.

Human Rights Watch/Middle East obtained a copy of such a letter, termed an "identification certificate," in Hasakeh governorate in April 1995. It contains a photograph of the child, over which is written "maktoum." At the top of the letter is the name and surname of the child, the name of the child's parents, and the child's place and date of birth. Following the place and number of registration (*qayd*, in Arabic) is written *maktoum al-qayd* ("unregistered," or "of undisclosed registration"). The mukhtar then wrote as follows:

I certify that the person whose name is identified above and whose photograph is attached above, is well known to us. The abovementioned is not registered in the census of Syrian Arabs. I sign in notification of this.48

Kurdish activists told us that this type of letter, if accompanied by a sign-off from an officer in one of the local security forces, is used by parents to enroll their children in elementary school.

Kurdish sources in the northeast also said that the maktoumeen cannot be admitted to school without the approval of Political Security, one of Syria's internal security forces. One man pointed to his young daughter and said: "It took me twenty-nine days, going to the police area director, to the security apparatus, to the birth registration office, just to register her for first grade. Then, the mukhtar had to go to Political Security, and they had to come and see the child." Security operatives make this already difficult situation even more painful for some families: "They tell us that perhaps these children are not ours, but have been smuggled in from Israel or Turkey," the man said.49

The process of obtaining permission from the intelligence service for young maktoumeen to attend school can also bring on harassment and pressure on the male head of household from the local security apparatus. One Syrian-born Kurdish "foreigner" who resides in Qamishli told us what happened after he initiated this unofficial enrollment process for one of his children:

Political Security came to my house to investigate. Then they summoned me. I was told to go to a shop, not their office. I went to the shop and the owner told me that word was left that morning that I should go to the security office. I went and was directed to an officer, who asked me questions that had nothing to do with school. He wanted to know what political party I belonged to. He asked me to cooperate with them. He summoned me several times and questioned me for a few hours each time.

The last time, they beat me up in the presence of a senior officer. This was on a Thursday. They beat me and told me to come back on Saturday. I did not go back. I refused to work with them, but this is how they recruit informers. This [type of pressure] is increasing here.50

The Syrian government informed Human Rights Watch in July 1996 that maktoumeen "are accepted [for admission] in all schools." But based on information that we received, it appears that the maktoumeen are treated in a discriminatory fashion and have only limited use of the state education system. After children in Syria complete the first six years of school, they go on to a three-year program of study. After the completion of grades seven to nine, children take an examination and are issued a diploma from the education department, which is required in order to begin the next three years of secondary school, grades ten to twelve. Children who are maktoumeen, however, are not permitted to study beyond the ninth grade, according to testimony that we obtained, because they

are issued inferior documents by the education ministry that are not officially recognized. The government did not respond to our written request for information about the procedures that must be used to enroll maktoumeen children in state primary, intermediate and secondary schools.

"In normal situations, children get a diploma indicating that they finished ninth grade. The maktoumeen are given substitute pieces of paper, which are different from diplomas," a Kurdish university graduate told us. The substitute -- inferior -- official documents specifically note that the children are maktoumeen. A Kurdish parent showed us a copy of his daughter's "special notice." It read as follows:

Special Notice of Passing [Grade] by Unregistered Persons

TO: *[name omitted by Human Rights Watch]* Secondary School

The female student *[name omitted]*, born in Qamishli in 1977, took the preparatory school certificate examination in the school year 1993 with registration number *[omitted]*. She passed with a total grade of *[omitted]*. Because she is an unregistered person she has been granted this certificate in place of the certificate which is maintained at the examination bureau. She will only be granted that document after having been registered accordingly with the Bureau of Civil Affairs.

Hasakeh July 22, 1993 Head of the Bureau of Examinations

Director of Education in Hasakeh Muhammed Jad Amri

[signature] *[signature]*

(Circular stamp)

Ministry of Education

Hasakeh Department of Education

"This piece of paper has no value," the university graduate told us. "The same thing is done with secondary school and college diplomas -- the maktoumeen are not provided with documents that are officially recognized."⁵¹ This discriminatory policy with respect to Kurdish children born in Syria was still in effect in 1995. Appendix D contains the Arabic original of this document, as well as another "special notice" issued in July 1995 for a fifteen-year-old girl who was born in Qamishli.

International Human Rights Standards

The Universal Declaration of Human Rights guarantees the right of every person to a nationality, and provides that no one shall be arbitrarily deprived of his or her nationality.⁵² This right is binding on all nations as a matter of customary international law. The 1961 Convention on the Reduction of Statelessness is one of the authoritative interpretations of the right to a nationality set forth in the Universal Declaration, and provides guidance as to the specific measures that states should adopt in order to reduce statelessness.⁵³ Relevant provisions of the Convention include the following:

- "A Contracting State shall grant its nationality to a person born in its territory who would otherwise be stateless." Article 1.
- "[A] child born in wedlock in the territory of a Contracting State, whose mother has the nationality of that State, shall acquire at birth that nationality if it otherwise would be stateless." Article 1(3).
- "A Contracting State shall not deprive a person of his nationality if such deprivation would render him stateless." Article 8(1).
- "A Contracting State may not deprive any person or group of persons of their nationality on racial, ethnic, religious or political grounds." Article 9.

The Syrian government's denial of citizenship to Syrian-born Kurdish men, women and children with no claim to another nationality is a clear case of discrimination based solely on ethnicity and gender and a flagrant violation of international human rights standards. These stateless Kurds have no basis for claiming citizenship anywhere other than Syria, yet the government has denied them the right to a nationality. The government discriminates against Syrian women who are citizens and are married to Kurdish men classified as foreigners when it denies these women the right to pass on their citizenship to their children. The Syrian government is also in violation of the Convention on the Rights of the Child, which it has ratified, by denying Syrian-born Kurdish children the right to a nationality in cases where their parents lack Syrian citizenship and are stateless.

Denial of citizenship to Syrian-born Kurds leaves them in the position of having no passport or other internationally recognized travel document, thus preventing them from exercising the right to freedom of movement guaranteed in the International Covenant on Civil and Political Rights (ICCPR), which Syria has ratified. Freedom of movement includes the right to leave any country, including one's own, and the right to enter one's own country.⁵⁴ Without passports or other travel documents, stateless Kurds -- the foreigners and the maktoumeen alike -- are unable to exercise these rights.

The state policy of refusing to register children born of marriages between Syrian-born Kurdish "foreigners" and Syrian citizens, Syrian-born "foreigners"

and Syrian-born maktoumeen, and between Syrian-born maktoumeen also violates international human rights standards. Lastly, Syrian-born maktoumeen are not provided with legally recognized identity documents. This is a clear violation of Article 26 of the ICCPR, which states: "[T]he law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

Violations of the Internationally Recognized Rights of Women

The Syrian government's policy of refusing to recognize legally the marriages between Syrian women who are citizens and men who are foreigners is a violation of Article 23 of the ICCPR, which states in its pertinent part: "The right of men and women of marriageable age to marry and to found a family shall be recognized."55

In addition, Syria's nationality law differentiates between men and women in terms of their ability under the law to pass on citizenship to their children. According to the law, women can pass on Syrian nationality to their children born in Syria only if the paternity of the child has not been legally established. In contrast, the law states that Syrian nationality is passed on to children born in Syria or outside the country if their father is of Syrian nationality.56

By restricting the ability of women -- but not men -- to pass on Syrian citizenship to their children, the Syrian government violates the international prohibitions against gender discrimination found in Article 26 of the ICCPR, cited above.57

Violations of the Internationally Recognized Rights of Children

The Syrian government's policies and practices with respect to Kurdish children it has made stateless violate international standards that have been codified to protect the rights of children.58 Syria ratified the Convention on the Rights of the Child in June 1993, and is violating its provisions systematically. The denial of Syrian nationality to Kurdish children born in Syria is a blatant case of discrimination based on ethnicity, in violation of the Convention.59 Kurdish children born in Syria -- some of them classified as "foreigners" and others as maktoumeen -- are singled out solely because of their status as members of the Kurdish ethnic minority.

The Convention provides guarantees to every child to the right to be registered and the right to acquire a nationality. Article 7 of the Convention states:

1. The child shall be registered immediately after birth and shall have the

right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, *in particular where the child would otherwise be stateless*. (Emphasis added by Human Rights Watch.)

In cases where authorities stripped Syrian-born Kurdish children of their nationality, such as in the aftermath of the 1962 special census conducted in Hasakeh governorate, the government is in violation of Article 8 of the Convention, which states:

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to speedily re-establishing his or her identity.

The state's discriminatory treatment in the area of education of Syrian-born Kurdish children with the status of maktoumeen violates the provisions of Article 28 of the Convention, which guarantees the right of the child to education "on the basis of equal opportunity." The issuance of inferior documents to these stateless children, upon their successful completion of compulsory examinations, is a clear case of discrimination based on ethnic and legal status.

The Syrian government's obligations under international law require it to initiate legal and administrative reforms to remedy the numerous violations of the rights of stateless Kurdish children. Article 4 of the Convention states in its pertinent part: "States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention."

SUPPRESSION OF ETHNIC IDENTITY

Article 35 of the Syrian constitution guarantees freedom of belief and respect for all religions, but has no provisions that recognize and guarantee the rights of ethnic and linguistic minorities.⁶⁰ International human rights standards provide ethnic, religious and linguistic minorities in every country the right to equal protection of the law without discrimination,⁶¹ and the right to enjoy their own culture, to profess and practice their own religion, or to use their own language.⁶² Syrian authorities violate these international standards with impunity through the use of discriminatory laws, decrees and

directives that are applied only to the Kurdish minority.

Suppression of the ethnic identity of Kurds by Syrian authorities has taken many forms.⁶³ "Kurds have always been prevented from developing their cultural identity," former Syrian parliamentarian Hamid Darwish, a lawyer and secretary of the unauthorized Kurdish Democratic Progressive Party of Syria, wrote in a speech that he had planned to deliver at the World Summit for Social Development, held in Copenhagen from March 3 to 12, 1995.⁶⁴ "They are not free to study, publish or officially speak and write [in Kurdish]. Kurdish is not recognized as an official language." He advocated that "all restrictions against Kurdish culture and language in both education and public communications be lifted in Syria." Such restrictions have included: replacement of Kurdish place names with new names in Arabic; prohibition of businesses that do not have Arabic names; not permitting Kurdish private schools; and the prohibition of books and other materials written in Kurdish.

Changing the Kurdish Names of Villages and Towns

One assault by the state on the use of Kurdish was an initiative to Arabize the names of Kurdish villages and towns. Authorities have changed the original Kurdish names of scores of villages in Hasakeh governorate in the northeast and in the Kurdish area in Kurd Dagħ, in the northwest near Afrin. "They planned this in the 1960s, and began to implement it in the 1970s," a Kurdish political activist told us. "We still use the old names, but they cannot be used on official documents." He said that in Afrin the place names of all Kurdish villages have been changed to Arabic. He also noted some of the villages in Hasakeh governorate whose names had been changed to Arabic: Kobaniya (now `Ain al-`Arab), Girdeem (Sa`diyya), Chilara (Jowadiyya), Derunakoling (Deir Ayoub), and BaniQasri (`Ain Khadra).⁶⁵ Human Rights Watch/Middle East obtained a copy of Directive No. 15801 issued by the minister of local administration on May 18, 1977, ordering that the Kurdish names of scores of towns and villages in the region of Afrin in the governorate of Aleppo be replaced with new Arabic names.⁶⁶

Bans on the Use of the Kurdish Language

A decree by the governor of Hasakeh dated November 11, 1986, reportedly prohibited the use of the Kurdish language in workplaces.⁶⁷ Two years later, another directive was reportedly promulgated by the governor, reiterating the 1986 language ban and also prohibiting the singing of non-Arabic songs at weddings and festivals.⁶⁸ Human Rights Watch asked the Syrian government to provide copies of both decrees, and inquired if these measures were still in effect. In its July 1996 letter, this was the government's reply: "The Syrian constitution stipulates that Syria is part of the greater Arab nation and that Arabic is its official language. It stipulates further that the ban on the use of foreign languages in the workplace is not limited to the Kurdish language but includes all languages other than Arabic."

Refusal to Register Children with Kurdish Names

In Hasakeh governorate, Kurds reported to us that authorities will not register children with Kurdish names. "Beginning in 1992, they refused to register children with Kurdish names -- this is from the Ministry of Interior and is specific to Hasakeh area. Using Kurdish names had become so popular that everyone was doing it. If you insist on using a Kurdish name, they will not register the child," one Kurdish activist said.⁶⁹ He added that the decree was known as No. 122. Human Rights Watch asked the Syrian government about this decree and if it was still in effect. The government did not answer the question directly, but referred us to the statement about the ban on the use of foreign languages in workplaces, cited above, and noted that certain letters in other alphabets are not included in the Arabic language.⁷⁰

Prohibition of Businesses with non-Arabic Names

On February 24, 1994, the governor of Hasakeh, Subhi Harb, directed the heads of the governorate's city and town councils to take action against businesses that did not have Arabic names, giving owners one week to change the names of their establishments to Arabic. "It is not permitted to name public and private establishments...with foreign (non-Arabic) words," he stated. He urged the recipients of his directive "to commit to this matter the utmost attention," and directed authorities not to issue new permits to stores, hotels, restaurants and other businesses with non-Arabic names. He also decreed that the owners of existing public and private businesses with non-Arabic names should be advised that they must rename the businesses in Arabic or face fines, closure and referral to courts for prosecution.⁷¹

While it is debatable whether the government has a legitimate interest in having Arabic names for registered business establishments, it is undeniably applying the decree in a plainly discriminatory manner. During our mission to Syria in 1995, we never saw a business establishment with a name or sign written in the Kurdish language. We did see, however, many businesses with signs in Arabic and Armenian, and, in Aleppo, signs in Arabic and Russian.

Prohibition of Kurdish Schools

Unlike other ethnic minorities in Syria -- such as the Armenians, Circassians and Assyrians -- Kurds are not permitted to open private schools for the education of their children in the Kurdish language. Instruction for children in Kurdish language and culture therefore takes place informally, in private homes. Our request for comment by the Syrian government about this prohibition, including its basis in Syrian law, went unaddressed in the July 1996 reply that we received.

Prohibition of Books and Other Material Written in Kurdish

Books and other materials written in Kurdish do circulate in Syria, but at considerable expense for the Kurdish groups that arrange to have them printed. One intellectual explained:

Kurdish songs, folklore, and stories are not allowed to be printed as books. We print these secretly and pay printers many times over [the regular prices] to print them. We have a cultural association in Beirut. Its main purpose is to publish books in Kurdish by Kurdish and other authors on Kurdish issues. We bring these books in and distribute them in Syria. In Damascus and Aleppo, certain bookstores will buy these illegal books from us and sell them. They buy them from us because they know that they will sell.⁷²

European diplomats noted in 1994 that "possession of Kurdish books is tolerated, although the distribution is very limited. Printing in Kurdish, however, seems not to be tolerated, and Kurdish books therefore are (illegally) imported from Lebanon and north Iraq."⁷³

Human Rights Watch asked the Syrian government if it is permitted to print books in Syria written in Kurdish and if it is legal to distribute and sell in Syria books written in Kurdish that are printed outside the country. The government's July 1996 reply did not address these questions.

Interference with Other Forms of Cultural Expression

Authorities are not tolerant of Kurdish cultural expression that includes political dimensions. "Cultural activities, including the celebration of Kurdish New Year [Nayrouz] are tolerated, as long as the political scope of these celebrations is limited and not considered provocative by the authorities," the 1994 report of the two European embassies in Damascus stated. "In general, only the fate of Kurds in Iraq can be exposed to the public, but not the claim of Kurds in Syria. As a consequence, repeatedly incidents occurred during [Nayrouz] celebrations."⁷⁴ A Kurdish political activist explained to us the significance of the celebration of Nayrouz, which means "new day" in Kurdish and also marks the traditional celebration of spring, and mentioned some of the problems that Kurds in the northeast have encountered with authorities.

"Nayrouz is a holiday related to the history of the Kurdish nation," he said. "It begins at night with bonfires set on mountaintops. Then, during the day, we go out into nature, and cultural groups dance in traditional costumes and re-enact scenes from Kurdish heritage. This lasts until the evening. We consider it both the beginning of spring and a celebration of freedom," he added, noting that the holiday is also called *'eid al-huriyya* ("holiday of freedom"). He explained that the tradition dates back several thousand years: "A tyrant king was killed by an ironsmith. When fires were started on the mountains, this was a signal for the people to attack the king. We light the fires in memory of the ironsmith. They symbolize the fires of freedom."

Kurds in Syria had to "struggle," in the words of this activist, to obtain the tacit permission of the government to celebrate Nayrouz. "Once, they tried to stop it by force. People gathered in Damascus and marched to the national palace in 1986 from a Kurdish neighborhood. Thousands came. The Republican Guard sprayed us with bullets, and Suleiman `Adi was killed. Rabhan Ramadan, one of the organizers, was detained without charge for two years." He did report, however, that the government no longer suppresses Nayrouz celebrations: "Now, thousands and thousands go out on the feast day. The authorities cannot prevent it any more." But he said that other techniques are used to deter participation. "This year, they spread rumors that Iraqis and Turks were bringing bombs, to create fear and make people afraid to go."75

Other Forms of Discrimination

Syrian Kurds complained to us about other forms of state-sponsored or state-sanctioned discrimination. They claimed that Kurds are not accepted in Syria's military colleges, and pointed out that army chief of staff Tawfiq Nizam Eddin, who held the post prior to Syria's unity with Egypt in 1958, was a Kurd from Qamishli who subsequently lost his citizenship and became a foreigner. "No Kurd has been admitted as an officer in the army or security forces for the last twenty-five years," one of our Kurdish sources claimed. "There are a few old Kurdish army officers remaining from the Afrin area -- you can count their number on your fingers -- but they have administrative, not military, responsibilities."76

Kurds also pointed out that it is extremely rare for a Kurd to be appointed a judge. "There may be a total of five nationwide. To become a judge, you need to be a Ba'thi or be supported by one of the security services," one source said. He also maintained that there is not one Kurd who serves as a prosecutor. In the last few years, it reportedly has become increasingly difficult for Kurds to gain admission to the country's three medical schools, which are located in Damascus, Aleppo and Latakia. Human Rights Watch asked for but did not receive a response from Syrian government to these allegations

The U.S. Department of State country report on human rights conditions in Syria in 1995, published in March 1996, provided meager information about state-sponsored discrimination against the Kurdish minority. There is only one sentence on this subject in the report: "Although the Government contends that there is no discrimination against the Syrian Kurdish population, it has placed limits on the use and teaching of the Kurdish language, Kurdish cultural expression and, at times, the celebration of Kurdish festivals."77

ARBITRARY STATE ACTIONS BASED ON ETHNICITY

Syrian authorities have harassed suspected Kurdish political activists and, in arbitrary fashion, have dismissed them from their jobs at state-owned companies and from educational institutions where they were studying. Kurds, including

well-known political leaders, have been prevented from travelling abroad because authorities have refused to renew their passports.

Dismissals from State Jobs and Expulsions from State Educational Institutions

In October 1992, the unauthorized Kurdish Popular Union Party in Syria (KPUPS) reported that the governor of Hasakeh ordered that twenty-one Kurdish workers be fired from a public road-building company, on instructions of the security apparatus, because they were judged to be a danger to state security.⁷⁸ Most of the men fired had been long-term employees of the company; at least ten of them had been hired between 1975 and 1979, and another ten had been hired between 1980 and 1983. Most of the men -- whose professions were heavy transport drivers, jackhammer operators, asphalt workers, technical inspectors and the like -- supported large families. Three of them supported families of twelve people and two of them supported families of eleven people, according to KPUPS.

Kurdish political activists say that dismissals of this type in Hasakeh governorate are carried out frequently and arbitrarily. "This month, they fired fifteen laborers who worked for the military housing company. Ten days ago, in `Ain al-'Arab, four teachers were fired," one of our sources said. "No reasons were given, and nothing is put in writing."⁷⁹

Kurds have also been expelled from state institutes where they were studying. In Hasakeh governorate, there are two teacher training institutes, one in Qamishli and one in Hasakeh city. Students attend these institutes after they graduate from secondary school and take a two-year program of study to qualify as teachers. Kurds are "regularly thrown out" of these institutes on the basis of suspicion that they belong to unauthorized political organizations, a political activist told us. He added that the expulsions are part of a strategy to put pressure on Kurds to become informers for the security apparatus:

At these two teacher-training schools, forty-two male and female Kurdish students have been expelled so far this year. The way it happens is that an evaluation comes in from the security apparatus, saying that they are a danger to state security. It is verbal only, there is no piece of paper. The only way to appeal is to go to Political Security, become an informer, and give them weekly or monthly reports on your colleagues. This will get you readmitted.

He said that pressure tactics such as these have forced many Kurds to leave Hasakeh governorate. He said that some 20,000 Kurds are living in a squatter community, near Dumar in Damascus, that is known in Kurdish as *Zor Ava*. "This settlement, which was started five or six years ago, has no official status and is not included in the city plan. Sewage is handled by latrines, and electricity is stolen," he said, noting that as poverty increases in Hasakeh, more Kurds move to Damascus.⁸⁰

Human Rights Watch asked the Syrian government to provide information about the administrative procedures used in cases where workers or students have been dismissed, including the right to appeal such decisions to administrative or legal authorities. In the government's July 1996 reply, these issues were not addressed.

Restrictions on Travel Abroad

Syrian human rights monitors have noted that authorities have forbidden travel abroad by Kurdish intellectuals.^{[81](#)} According to information received by Human Rights Watch, the passport of lawyer Hamid Darwish, secretary of the unauthorized Kurdish Democratic Progressive Party of Syria and a former member of parliament elected in 1990, was not renewed by Syrian authorities. This prevented Mr. Darwish from travelling to Copenhagen to attend the World Summit for Social Development, held in March 1995. In a statement to the Danish Committee for Human Rights of the Kurds, dated March 4, 1995, Mr. Darwish complained about the denial of his passport by Syrian authorities.^{[82](#)} The Syrian government did not reply to our request for information about the reasons why authorities might refuse to renew an expired passport and the administrative procedures that can be utilized to challenge the denial of a passport.

PROTESTS IN SYRIA AND EUROPE

"The single biggest issue for the Kurdish community [in Syria] is the nationality issue," diplomats from two European embassies observed in their 1994 report. They added:

The nationality issue is felt as a clear case of discrimination by all Kurdish factions. Some 200,000 Kurds living in Syria without enjoying Syrian nationality are confronted with serious legal and practical problems. Their case constitutes the rallying point of the Kurdish movements.^{[83](#)}

In our own work in the field in Syria in 1995, we found this to be true as well. A young Kurdish resident of the northeast, who had been tortured by security forces, was as interested in talking to us about the situation of the stateless Kurds as he was in describing his own physical abuse.^{[84](#)}

Despite the Syrian government's clear violations of international human rights law, Kurds in Syria have been unsuccessful in their various peaceful attempts to press authorities to address and remedy the situation of Syrian-born Kurdish "foreigners" and maktoumeen. This is partly explained by the sensitive ethnic politics that prevail in Syria. According to the joint report of the two European embassies:

The main obstacle to a solution of the nationality question seems to be a political one. In the Jazirah the 650,000 Kurds are a majority against ca.

450,000 Arab Sunnis, mostly of bedouin stock, and ca.100,000 Christians, largely town dwellers. This ethnic distribution constitutes a problem for Syria as the Kurdish majority raises fears of a potential threat of separatism. By diminishing the Kurds (on paper) by 200,000, the Arab and Kurdish populations are now in balance.⁸⁵

Grass Roots Efforts in Syria: The Price of Dissent

Kurdish activists in Hasakeh governorate told us that they have organized petition campaigns, and presented 15,000 signatures -- which they gathered over a period of several days -- to the government in 1987. In March 1990, about one hundred residents of Hasakeh travelled in small groups to Damascus, a twelve-hour trip by bus, for a protest demonstration. One participant told us what happened:

We went to the Republican Palace. We raised our voices and said: "We want [regular] identity cards." Security men came. They were not confrontational and started talking to us. Then, cars full of security forces started coming until there were three times our number. They started beating us up, including the women. They arrested three people, put the rest of us in buses, and took us out of the city, with a helicopter following.

The men who were arrested were taken to the security detail responsible for the palace. They were interrogated in three consecutive sessions: first for ten hours, then for seven hours, and then for four hours. After the interrogations, security officers, who had verified their identities, told them never to return again and released them.⁸⁶

Suspected Kurdish political activists continue to be detained, held incommunicado, tortured under interrogation, and prosecuted before the state security court for non-violent advocacy on behalf of stateless Kurds.⁸⁷ For example, eight Kurds from Hasakeh governorate were detained in 1992, held for over sixteen months under emergency law, and then charged in the state security court in 1993 with the criminal offenses of membership in secret organizations,⁸⁸ "opposing the goals of the revolution," and "spreading false information."⁸⁹ The "false information," according to the state security court prosecutor, was contained in a leaflet about the problems of the stateless Kurds that the defendants were accused of distributing and posting publicly. Human Rights Watch/Middle East had previously reported that on October 5, 1992, four unauthorized Kurdish organizations in Syria had published materials to mark the thirtieth anniversary of Legislative Decree No. 93 of 1962, which authorized the special census in Hasakeh governorate. The groups called on Syrian citizens to support equal civil and cultural rights for the Kurds. Security forces responded with the arrest of about 260 Kurds in Hasakeh, Ras al-'Ayn and Qamishli in the northeast, and Aleppo and Afrin in the northwest.⁹⁰ According to the Syrian human rights organization CDF, forty of these Kurds remained in detention as of early 1996.⁹¹

In the written defense statement submitted to the court in 1994 on behalf of the eight defendants, their lawyers argued that the information in the leaflet was not false. The lawyers provided the court with detailed information about the situation of the stateless Kurds, citing at length various discriminatory government decrees and directives. The lawyers contended that no evidence was submitted to substantiate the prosecutor's assertion that their clients were members of secret political parties, and further claimed that the defendants had been subjected to "harsh interrogations, including physical and emotional torture, and [treatment] in an abusive way to force them to confess to committing acts that they did not commit." The lawyers added that their clients "were interrogated while they were alone, in the absence of an attorney who could stand by them and defend them." Human Rights Watch/Middle East was not able to obtain information about the court's verdict in this case. Our written request for information from Syrian authorities, dated May 29, 1996, went unanswered.

Authorities also reacted harshly in 1993 when the Democratic Unity Party in Syria, a coalition of five Kurdish parties, wrote a critical report about the "Arab belt" policy⁹² and distributed it to some foreign embassies in Damascus. Diplomats reported that a party representative provided these details about the crackdown:

In October 1993, ninety-eight members of the Unity [Party] were arrested of whom twenty-one still remain in prison and their cases are currently before the [Supreme State Security Court] in Damascus. Two have been convicted, eight stand trial and twelve remain in prison without any accusation brought before them. Other Kurds arrested...were six members of the Popular Union Party because of illegally publishing a newspaper and six members of the Democratic Progressive Party and five Kurds from Malikiyyah, including one woman (Asia Muhammed). Four members of [the Democratic Unity Party in Syria] were in hiding, including its Secretary General Ismail Amr, who went underground when he lost parliamentary immunity when the last parliament was dissolved.⁹³

Initiatives in Parliament

Kurdish and other Syrian legislators have tried to raise the issue of the stateless Kurds in the elected parliament, but without success. According to the report of the two European embassies:

A first letter, signed by forty-seven members of Parliament (Kurds and Arabs), was addressed on 8 June 1991 to the President of the Parliament. But the Prime Minister and the Ba'th Party responsible, Abdallah al-Ahmar, refused to have the matter discussed.

On 13 March 1992 a second letter signed by thirty-two members of Parliament was handed over to President al-Asad who promised to try to find a solution. No measures have been taken until now. Two Kurdish parliamentarians of the Ba'th

Party were reprimanded for signing the letter.⁹⁴

Such initiatives in the parliament were in part possible because legislators elected in 1990, who served until 1994, included three Kurds from Hasakeh governorate who were independent of Syria's ruling Ba'th Party.⁹⁵ "This was the only year that the elections were not faked," claimed a Kurdish political activist. He added that a major reason the election was relatively fair had to do with the fall of the Soviet Union: "The government was afraid. There was a lot of talk about democracy. And Kurdish political groups mobilized behind independent candidates."⁹⁶ As a consequence, advocacy on the citizenship issue in a national forum was possible. "Fifteen Kurds were elected to the outgoing parliament, among them some independent candidates openly raising specifically Kurdish issues," Damascus-based European diplomats wrote in 1994. Of the fifteen, eleven were independents: six from Afrin, three from Hasakeh, and two from Damascus. "In the new parliament [elected in August 1994], the independent Kurdish representation seems to have diminished," the diplomats added.⁹⁷

The hundreds of thousands of Kurdish residents of Hasakeh governorate currently have no independent representatives in parliament. "We did not participate in the 1994 election because we knew that it was going to be faked," the political activist told us. He said that Hasakeh governorate is allotted fourteen parliament seats, and added:

Usually, the Ba'th puts out a list of ten party people and there are four seats for "independents," who are controlled by the Ba'th. They did not do this in 1990. They allowed us five independent seats, and three Kurds, one Assyrian and one Arab won. All of them were independent of the party and the government.

But the parliamentary election held on August 24, 1994, reverted to previous methods of manipulation by the Ba'th party. Kurdish political activists obtained a copy of an official directive from the national leadership of the Ba'th party, dated August 21, 1994 and numbered 9144, which instructed the party apparatus in Hasakeh governorate to work on behalf of four "independent" candidates: Mahmoud Shawakh al-Boursan and Muhammed al-Fares from Group A, Muhammed Ahmad al-Musleh and Zayya Malik Ismail from Group B.⁹⁸ "We ask that you direct those who are active members and supporters in the syndicate and party apparatus in the governorate of Hasakeh to elect the candidates and independents who are mentioned above," instructed Abdel Aziz Nuaimi, the secretary of the Ba'th Party in Hasakeh, in a letter that was sent to Ba'th party divisions in the governorate, numbered 2661 and also dated August 21, 1994, following up on the orders of the party's leadership in Damascus. "The party began to work on this weeks before the date of the directives," our contact said. "And they had each Ba'thi bring five different identity cards to vote for these candidates."⁹⁹ All four men were elected members of parliament; none is a Kurd.

Pleas for International Support

On October 21, 1995, Syrian Kurds living in exile in Germany held a demonstration in Bonn, Germany, that concluded with a protest rally in front of the Syrian embassy. They delivered an appeal to the embassy calling for the lifting of emergency law, the release of all Kurdish political prisoners in Syria, and the cancellation of discriminatory laws and practices that are applied to Kurds in Syria. In a statement prepared for the demonstration, the overseas branch of the Syria-based Kurdish Popular Union Party sought international support to press the Syrian government to act affirmatively on its demands, including the following:

- Recognize the existence of the Kurdish ethnic minority in Syria, and guarantee Kurdish political and cultural rights in the Syrian constitution.
- Grant permission for an international committee of human rights organizations to visit Syria and investigate the situation of the Kurdish minority.
- Release Kurdish and other political prisoners in Syria, and cancel Syria's long-standing emergency law.
- Cancel discriminatory laws and decrees issued by Syrian authorities.

Earlier in 1995, Kurdish political activists in northeastern Syria had stressed to Human Rights Watch/Middle East the importance of information dissemination and advocacy by international human rights organizations and other members of the international community on the issues of the stateless Kurds and the Syrian government's violations of minority rights. They told us that they were seeking international support for their efforts to persuade Syrian authorities to acknowledge the existence of Kurds as an ethnic minority in Syria, to provide guarantees of minority rights in the Syrian constitution, and to respect and enforce the rights set forth in international human rights instruments that the Syrian government has ratified. One activist from northeast Syria put it this way:

Our main demands are for acknowledgment of our existence as an ethnic group and fixing this in the constitution. As long as we have duties in Syria, we should have rights, including the right to political freedom and representation in parliament. The government should cancel all the discriminatory anti-Kurdish plans and policies, including the [1962] census [results], the Arab belt, and the use of exceptional laws to expel Kurds from places of work and education. What we primarily want is for Syria be democratic and pluralistic in its ethnicity.¹⁰⁰

As the recommendations in this report indicate, Human Rights Watch/Middle East believes that these demands have merit.

ACKNOWLEDGMENTS

This report was researched and written by Virginia N. Sherry, associate director of Human Rights Watch/Middle East. It is based primarily on information that she collected in Syria during a visit from March 23, 1995 to May 9, 1995. Maha Abu Ayyash accompanied Ms. Sherry on the mission, and served skillfully and tirelessly as her interpreter.

The author wishes to thank the Kurdish men and women in northeastern Syria who provided assistance, information and hospitality under extremely difficult conditions. This report would not have been possible without their generous help.

Human Rights Watch/Middle East

Human Rights Watch is a nongovernmental organization established in 1978 to monitor and promote the observance of internationally recognized human rights in Africa, the Americas, Asia, the Middle East and among the signatories of the Helsinki accords. It is supported by contributions from private individuals and foundations worldwide. It accepts no government funds, directly or indirectly. The staff includes Kenneth Roth, executive director; Cynthia Brown, program director; Holly J. Burkhalter, advocacy director; Barbara Guglielmo, finance and administration director; Robert Kimzey, publications director; Jeri Laber, special advisor; Lotte Leicht, Brussels office director; Juan Méndez, general counsel; Susan Osnos, communications director; Jemera Rone, counsel; and Joanna Weschler, United Nations representative. Robert L. Bernstein is the chair of the board and Adrian W. DeWind is vice chair. Its Middle East division was established in 1989 to monitor and promote the observance of internationally recognized human rights in the Middle East and North Africa. Eric Goldstein is the acting executive director; Joe Stork is advocacy director; Virginia N. Sherry is associate director; Fatemeh Ziai is counsel; Elahé Hicks is a consultant; Shira Robinson and Awali Samara are associates. Gary Sick is the chair of the advisory committee and Lisa Anderson and Bruce Rabb are vice chairs.

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APPENDIX A

With reference to your letter 7(103/80) dated June 10, 1996, I hereby present a summary statement on the situation of the Kurds in Hasakeh governorate. This is in response to requests for clarifications on their situation made in the attached letter from the Executive Director of Human Rights Watch/Middle East.

I: Overview

At the beginning of 1945, the Kurds began to infiltrate [yatasallaluna] into Hasakeh governorate. They came singly and in groups from neighboring countries, especially Turkey, crossing illegally along the border from Ras al-'Ain to al-Malikiyya. Gradually and illegally, they settled down in the region along the border in major population centers such as Dirbasiyya, Amoudeh, Qamishli, Qahtaniyya, and Malikiyya, until they began to constitute the majority in some of these centers, as in Amoudeh and Malikiyya. Many of these Kurds were able to register themselves illegally in the Syrian civil registers. They were also able to obtain Syrian identity cards through a variety of means, with the help of their relatives and members of their tribes. They did so with the intent of settling down¹⁰¹ and acquiring property, especially after the issue of the agricultural reform law, so as to benefit from land redistribution.

In view of the increase in illegal immigration in this governorate and the resulting increase in the percentage of registrations that had been illicitly inserted [madsuusa] into the civil registers, it was decided to conduct a general census in the governorate. The purpose of the census was to purge [tanqiyya] the governorate's registers and to effect a reliable and precise reorganization of these registers so that they would contain only the registrations of those whose Syrian citizenship could be established, and eliminate the alien infiltrators.¹⁰² Ordinance 93, dated August 23, 1962... was issued. In accordance with this ordinance, a census of all persons actually present in the governorate was conducted on October 5, 1962. As a result of the investigation of the [completed census] forms of those who were present for the census, the registration of those who had established that they were citizens of the Syrian Arab Republic were made in the new civil registers for Syrians. The others were registered as foreigners in special registers for this purpose.

II. The essential regulations employed in establishing the nationality of those who were present for the census

In order to clarify the rules and procedures to be followed to establish the nationality of those who were present for the census, the Ministry of the Interior issued a special directive in this regard, number 2/697 dated September 1, 1962....Paragraph 10 of this directive required the registration committees and the Central Committee for the Census to verify the correctness of the answers on the [census] forms filed by each person, especially the answer dealing with nationality....It also required them to establish nationality in accordance with a summary, appended to this directive, which includes the acquisition¹⁰³ of Syrian Arab nationality.

Some errors appeared in the results of the census, including the registration of a large number of persons of Syrian Arab origin as foreigners and the registration of others who do not have Syrian Arab nationality as Syrian. In addition, some members of Arab tribes were not included in the census because

they were absent during the census taking. For these reasons, it was decided to grant the right of appeal to those who were not considered Syrian as a result of the census. It was also decided to grant the High Committee of the census full authority over these protests, the right to correct errors, and the right to consider as Syrian citizens all who fell into one of the following categories:

- a) those registered in the old civil registers prior to 1945, or who were members of the Christian denominations or the Assyrian minorities and who were registered in those registers as late as 1950;
- b) those who could prove that they resided in Syria prior to 1945;
- c) those who were civilian or military employees of the state and its public institutions at least 10 years prior to the date of the census.

As a result of the investigation of these protests and successive extensions of the deadline for their submission, the number of those registered as foreigners decreased from 84,000 persons in 1966 to 40,587 in 1986. Then the number rose, due to marriage and the registration of the *maktoum* children that were born subsequently, to 54,218 on August 1, 1985 and to 67,465 on October 31, 1995.

Furthermore, in addition to those registered as foreigners, there are other foreigners who infiltrated into the governorate after the census. They continue to reside there illegally and do not possess any official documents. No census of these persons has been conducted, but their number was estimated to be approximately 60,000 in 1985 and has risen to approximately 75,000 in 1995.

III. The treatment of those registered as foreign in Hasakeh

Pursuant to directives currently in force, those limitations and restrictions applied to other foreigners are not applied to the foreigners of Hasakeh. Rather, they exercise the rights and undertake the activities that are in principle confined to Syrian citizens, which include the following:

1. In the domain of identification and the registration of changes in personal status [al-waaqi'aat al-madaniyya]:

They are granted special personal or family papers [wathaa'iq].¹⁰⁴ Whatever changes in personal status, such as birth, death, marriage, divorce, that occur are registered in their [individual or family] entries in their special registers.

2. In the domain of education:

Their children are accepted [for admission] for all levels of education in

private and government schools.

3. In the domain of work:

They are permitted to work in the institutions of the public sector, the joint [or public and private] sector, and the private sector.

In the same way, all those who have university degrees in medicine, pharmacy, law, and engineering are permitted to open their own professional offices.

4. In the domain of property ownership:

They are not permitted to own real estate, or to register mechanized vehicles or automobiles. However, they may in fact do so on the strength of private contracts in their own names or through the intermediary of their friends or relatives who are Syrian citizens.

5. In the domain of food allotments:

They are not granted food allotment cards [to purchase food] at official [i.e., supported] prices. They are, however, permitted to obtain the foodstuffs [? -- illegible] they need at free market prices, using as documentation their special personal or family papers.

6. In the domain of travel:

They are permitted to travel within the country on the basis of the special identity papers they carry. In addition, they are permitted to travel outside the country under specific circumstances for medical treatment or study. They do so on the basis of a one-time exit document and with the consent of the Minister of the Interior.

7. In the domain of marriage:

Females among them are permitted to marry Syrian citizens and to acquire their [Syrian] citizenship. Males, however, are not permitted to marry female Syrian citizens, in order that the latter maintain their Syrian citizenship.

8. On staying overnight in hotels:

They are permitted to do so, after they have presented the special identification papers they carry, and the hotel branch [of the intelligence service? -- *shu'bat al-fanaadiq*] has ascertained their validity and returned them to their owners.

IV. The treatment of alien infiltrators

1. They are given certificates of identity by the mukhtars stating that they are *maktoum*. These certificates are to be considered valid by all parties concerned.
2. Their children are accepted [for admission] in all schools.
3. The policies governing *maktoum* status were discontinued in the governorate in 1987 when the period prescribed for it ended.

V. A clear and detailed response to certain questions raised by the remarks of the organization's Executive Director

1. With reference to the claim of the foreigners of Hasakeh to the right to acquire Syrian Arab citizenship:

It is based on Paragraph C of Article 2 of the Citizenship Law, number 276 dated November 24, 1969, which legally grants citizenship to anyone born in the country of two unidentified parents, two parents whose nationality is not known, or two stateless parents.

-- With study, the purport of this paragraph and the means by which it is to be applied, following the general statutes governing the acquisition of citizenship as set out in legal commentaries, it is clear that the following basic conditions must be fulfilled:

a. It must be established that the child's birth took place in the country. This requires, first, the verification that the presence of both parents in the country at the time of the child's birth was legal. That is, they entered the country legally and resided there legally. In addition, a birth certificate is required, issued by a legally authorized party. This certificate must clearly give the place and date of birth, and the name and description of the child, with attestations by two witnesses over the age of 18 as to the date of birth. At this point, the necessary official investigation can take place to verify the validity of the certificate.

b. The birth must be legitimate, that is, the two parents must be legally married.

c. Both parents must be identified if their nationality is not known or if they are stateless.

d. Both parents must prove beyond a doubt that they do not know what their nationality is or that they are stateless, a process that requires a detailed investigation by the responsible parties as to the validity of this proof.

-- With this paragraph, the law clearly has as its aim handling of

individual cases that may occur, and this is for humanitarian reasons. The law does not mean to make it easy for foreign groups to acquire citizenship in a country to which they do not originally belong and into which they have illegally infiltrated for the sake of political objectives and ethnic ambitions.

-- Article 5 of the Citizenship Law stipulates that citizenship may not be granted except in individual cases, and makes an exception for members of a single [nuclear] family. This confirms that the law categorically does not permit citizenship to be granted on a collective basis, even by means of forms completed for or by individuals.

2. On the issue of statements on the number of Kurds registered in the Syrian civil registers or on the results of the census:

Take as a starting point the provisions of the Constitution as specified in Article 25, which stipulates that all citizens are equal under the law as concerns their rights and duties. Therefore, no governmental institution in Syria differentiates between Syrian citizens and non-citizens, Kurdish or others. It is not feasible for this reason to know what the number of Syrian Kurds is by means of civil registers or population censuses, and it is impossible to provide any figures as to their numbers.

3. On the ban on the use of the Kurdish language in the workplace and the singing of non-Arabic songs at festivities and weddings:

The Syrian Constitution stipulates that Syria is part of the greater Arab nation, and that Arabic is its official language. It stipulates further that the ban on the use of foreign languages in the workplace is not limited to the Kurdish language [page 5] but include all languages other than Arabic.

4. On the ban on registering Kurdish children under Kurdish names:

See the preceding statement on the non-use of languages other than Arabic. The Arabic language does not contain a *faa'* with three dots [the letter "v"] or a *faa'* with four dots.^{[105](#)}

5. On the ban on the transfer of the civil registrations of the citizens of the governorate to other governorates within Syria:

In conformity with directives currently in forces, any citizen may request the transfer of his civil registration from one governorate to another. This is on condition, however, that he obtain the consent of the Ministry of the Interior to this transfer, due to organizational considerations and considerations of housing.

These directives are not limited to the Kurds, but include all citizens, regardless of their ethnicity, religion, political opinions, etc. The transfer of registration within a single governorate does not require consent, either of the Ministry or of other institutions. It is sufficient that the citizen submit an official request for the transfer, and his request will be granted without impediment.

6. On the marriage of Kurdish foreigners to female Syrian citizens:

Law number 272 of 1969 stipulates that marriage between Syrian citizens and (non-Arab) foreigners are not permitted, except with prior authorization by the Ministry of the Interior. This measure has been in force since its issuance and applies to all foreigners regardless of their nationality. The Ministry adjudicates the authorization or refusal of all requests for marriage in light of the political and security considerations that must be taken into account.

In accordance with the provisions of this regulation, requests for marriage between foreigners of Hasakeh and Syrians are studied. The Ministry generally consents to the marriage of a Syrian male citizen to a female foreign of Hasakeh, even if she has been registered as a foreigner there, to enable her to acquire the citizenship of her husband according to the Law of Syrian Citizenship. When the Ministry has reservations against consenting to the marriage of a male foreigner of Hasakeh, especially when he has not been registered as a foreigner there, to a Syrian female citizen, it does so to preserve her citizenship, given that he has no clearly defined citizenship and his children also with not.

Thus, in the case that a Syrian female should have the audacity to marry any foreigner, whether he is a foreigner of Hasakeh or elsewhere, that marriage is considered illegal. As a result, neither it nor the children that ensue will be registered in the civil registers.

APPENDIX B

Ahmad Ismail

[preceding lines written by hand]

[illegible handwriting]

[Photograph with stamp [Ministry Stamp]

of the Ministry of Local Affairs,

City of Qamishli, Hasakeh Governorate]

Identity Certificate

Name and Surname: [blacked out]

Father's Name: [blacked out]

Mother's Name: Saafiya

Place and Date of Birth: Qamishli 1980 [illegible]

Place and Number of Registration [*qayd*]106 [illegible]

We, the Mukhtar of the Quarter of [illegible] in Qamishli, certify that the picture attached to this certificate is the picture of the person who is named above. It was given to him in order to obtain a release of status of foreigner [*qayd ajaanib*].107 His name did not appear in the records of the Court of Hasakeh Governorate, to which I sign in attestation.

[illegible handwriting and signature]

Qamishli 20/10/[illegible]

[two rubber departmental stamps and two adhesive tax stamps]

Unregistered [*maktoum*]

[written over photograph]

Identification Certificate

[illegible]

Name and Surname: [entry crossed out]

Father's Name:

Mother's Name:

Place and Date of Birth:

Place and Number of Registration [*qayd*]: Unregistered [*Maktoum al-qayd* by hand]

Family status: Bachelor [by hand]

We, the Mukhtar of [illegible], certify that the person whose name is identified above and whose [illegible] photograph is attached above is well known to us. The above-mentioned is not registered [*ghayr musajjal*] in the census of Syrian Arabs. I sign here in notification.

[illegible] on the [illegible]/8/1990 the mukhtar

[illegible]

[illegible]

[illegible]

[tax stamp]

APPENDIX C

Administration of the General Intelligence Service

Branch Number 330

Office of Darbasiyyah

Summons

The person named [name crossed out] must report to the Office of the General Intelligence Service in Darbasiyya at exactly ten o'clock on Thursday the [crossed out]/[crossed out]/1995. In case of tardiness we shall inflict the severest of punishments.

The Head of the General Intelligence Service

in Darbasiyyah

[signature]

APPENDIX D

(Special Notice of Successful Completion by Unregistered Persons [*al-Maktoumeen*][108](#))

To Secondary School [space for school name]

The female student [name blacked out], was born in Qamishli in 1988 took the preparatory certificate examination for the school year of 1995 with registration number [blacked out] and passed with a total score of [blacked out].

Because she is unregistered [*maktoumat al-qayd*] she has been granted this notification in place of the document which is maintained at the Bureau of Examinations. She will only be granted that document after having been registered [*ba'd tasjeelihaa*] accordingly with the Bureau of Civil Affairs.

Hasakeh 31/7/1995 A.D.

Head of the Bureau of Examinations Director of Education

in Hasakeh

Muhammad Hayjal Ahmad 'Awayd al-Sa'eed

[illegible signature] [illegible signature]

[Stamp of the Bureau of Examinations] [Stamp of Education Office of Hasakeh]

(Special Notice of Passing by Unregistered Persons)

To the secondary school . . . [space for school name]

The female student [name crossed out] born in Qamishli 977 [sic] and seventy-seven [underlined items written by hand] took the preparatory school certificate exam in the school year 1993 with registration number [number crossed out]. She passed with a total grade of [blacked out]. Because she is an unregistered person she has been granted this certificate in place of the certificate which is maintained at the examination bureau. She will only be granted that document after having been registered accordingly with the Bureau of Civil Affairs.

Hasakeh 22/7/1993 A.D.

Head of the Bureau of Examinations Director of Education

in Hasakeh

Muhammad Jad Amri

[signature] [signature and stamp]

APPENDIX E

[Handwritten] Resolution Number 15801

[Typewritten] Minister of Local Administration

In accordance with Administrative Reform Law Number 496 dated 21/12/1957 and [illegible] and Legislative Decree Number 146 dated 3/9/1963 which comprises the restoration of State Resolution Number 97 of the year 1959.

And Legislative Decree Number 36 dated 12/8/1971 comprising the proceedings of the Ministry of Local Administration.

And Resolution Number 9 of the District Assembly of al-Bab dated 22/2/1977

And Resolution Number 63 of the District Assembly of Afrin dated 21/2/1977

And Resolution Number 5 of the District Assembly of 'Ain al-'Arab dated 14/3/1977

And Resolution Number 107 of the District Assembly of A'zaz dated 16/3/1977

And Resolution Number [number illegible] of the District Assembly of the Center of Aleppo Governorate dated 14/4/1977

And Resolution Number 300 of the Executive Office of the Assembly of Aleppo Governorate dated 23/3/1977

It is resolved that:

Article 1 -- The names of the following towns and villages in the Aleppo Governorate are replaced by new names legally assigned to each.¹⁰⁹

District of Afrin Sub-District: Towns of the

Center of Afrin

The Old Name The New Name

1. Bâblît Yatba'hâ 1. Bâblît Yatba'hâ

Kursâna (Kursantâsh) Kursâna

Jadîda Kursantâsh Jadîda Kursâna

2. Burj `Abd Allû 2. Burj `Abd Allah

3. Buyuk Uuba 3. al-Kabîra

4. Jûmla Yatba'hâ 4. al-Hamîla Yatba'hâ

Shaykh Sîdî (Shaykh Sîdû) Shaykh Sîdî

5. Juwîq Yatba'hâ 5. al-Khadrâ' Yatba'hâ

Istârû al-Mastûra

`Ayn Dîba `Ayn Dîba

6. Khalnîr 6. al-Nîra

7. Taranda 7. al-Zarîfa

8. `Arshqiyâr 8. al-Hawâ

9. Ghâzî Tebbe 9. Tall Ghâzî

10. Kûkuba Yatba'hâ 10. Kûkuba Yatba'hâ

Bûzîka al-Zâwiya

11. Jitâl Ziyâra 11. al-Ziyâra

12. al-Sûfâna 12. al-Basalîya

[Bottom of first page of original]

[Top of sixth page of original]

16. Minlâ Khalîl Yatba'hâ 16. Shaykh Khalîl Yatba'hâ

Dîr Ballût Dîr Ballût

Safarîya Safarîya

District of Afrin Sub-District: Râjû

The Old Name The New Name

1. Râjû Yatba'hâ 1. Râjû Yatba'hâ

'ûbkânî al-Qâdirîya

Kharâb Majîd Kharâb Majîd

Kharâb Tawâlî Kharâb Tawâlî

Kharâb Summâq Kharâb Summâq

Ard al-Dawla Ard al-Dawla

2. Ba'danî 2. Bayt `Adîn

5. Jaqmaq Saghîr 5. Sawwâm al-Saghîr

6. Jaqmaq Kabîr 6. = al-Kabîr

10. Hajîkânî Yatba'hâ 10. al-Hajî' Yatba'hâ

Hassan Kalkâwî al-Husaynîya

14. Dûnballî (Dûmbalî) 14. al-Amsîya

18. `Atmânî Yatba'hâ 18. `Atmân Yatba'hâ

Bânîk Bân

[Top of seventh page of original]

22. Kûrânî 22. Kûrân

26. Mâtâlî Yatba'hâ 26. al-Thady Yatba'hâ

Haydar Uubasî al-Haydarîya

30. Adahsânî 30. Adah

34. Shaykh Muhammadî Yatba'hâ 34. Shaykh Muhammad

Tebbe Kuwî Talîla

Wâlyakî al-Walî

District of Afrin Sub-District: Shaykh al-

Hadîd[?]

The Old Name The New Name

1. Aranda Yatba'hâ 1. al-Mazîna Yatba'hâ

Kilânî al-Malsâ'

2. Bâzyânî Yatba'hâ 2. al-Bâzîya Yatba'hâ

Bâzyânî al-Hurriya al-Bâziya

6. Darmakânî 6. Darmish

[Top of eighth page of original]

10. Mastikânî 10. Mastikân

12. Rûtânî Yatba'hâ 12. al-Ma'zûla Yatba'hâ

Dâliyânî al-Dâlîya

Article 2 -- This resolution is published and the parties charged with its implementation are notified.

Damascus 18/5/1977

Minister of Local Administration

[illegible] . . . in/of Afrin

APPENDIX F

Number 932/Haa

To the Heads of

City Councils, Area Councils, and Town Councils

With reference to the communiqué of the Minister of Local Administration Number 13/61/1/daal dated 26/4/1987 and made public in our brief Number 9213 dated 12/5/1987 concerning the Arabization of the names of administrative units, towns, and public and private establishments in accordance with the stipulations of Article Four of Administrative Reform Law Number 496 of 1957 and Article One of Legislative Decree Number 139 dated 6/11/1952, containing the following:

It is not permitted to name public and private establishments like clubs, hotels, entertainment centers, cafés, hostels, restaurants, etc. with foreign (non-Arabic) names or words.

We urge you to commit to this matter the utmost attention to charge those parties responsible for permits with the following procedures:

1. Limitation of establishments named in foreign languages.
2. Advising the owners of these establishments to designate Arabic names for their establishments within a week of this notice under penalty of closure of the establishment, confiscation of property and arrest of the violators of this ordinance. This in accordance with the stipulations of Article Three of Legislative Decree Number 139 dated 6/ [illegible]/1952.
3. Prohibition of new permits for public and private places for as long as its name is not Arabic.

For perusal and compliance and notification of [this office] with the results

Hasakeh 24/2/1994

Hasakeh Governorate

Subhi Harb

1 The largest number of Kurds in the region, approximately ten to fifteen million, live in Turkey. There are six to eight million Kurds in Iran, and an estimated four million Kurds in Iraq. Smaller numbers of Kurds -- several hundred thousand -- live in Azerbaijan and Armenia.

2 "The Kurds of the Jazirah."

3 Salah al-Din al-Ayoubi, the famed Sunni Kurd military leader, replaced the ruling Fatimids in Egypt. "[H]e was able to mobilize the strength and religious fervour of Egyptian and Syrian Muslims in order to defeat the European Crusaders who had established Christian states in Palestine and on the Syrian coast at the end of the eleventh century. The dynasty founded by Salah al-Din, that of the Ayyubids, ruled Egypt from 1169 to 1252, Syria to 1260, and part of western Arabia to 1229." Albert Hourani, *A History of the Arab Peoples*, (Cambridge, Massachusetts: Belknap Press of Harvard University Press, Cambridge, Massachusetts, 1991), p. 84. Salah al-Din's tomb is in the old city of Damascus,

and his castle, one of the most impressive Crusader-era fortresses in Syria, is on a high mountain ridge between Latakia and Aleppo.

4 "The Kurds of the Jazirah," a confidential report prepared by two European embassies in Damascus, dated September 1994, puts the figure at 10 percent. Human Rights Watch/Middle East obtained a copy of this report from a European diplomat in 1995. Nicholas van Dam, a specialist on Syria, provides a lower estimate of 8.5 percent of the population. *The Struggle for Power in Syria*, (London and New York: 1996, I.B. Tauris Publishers), p. 1.

5 The government did, however, provide Human Rights Watch with current statistics on stateless Kurds in Syria; see below. Appendix A contains the unofficial English translation of the Syrian government's reply, received on July 10, 1996, to a letter from Human Rights Watch dated May 29, 1996 that contained questions and requests for clarification about issues raised in this report.

6 Historian David Fromkin, for example, wrote this in his widely read book: "The Kurds are a scattered, tribal people who inhabit the plateaus and mountains where Iraq, Iran, Russian Armenia, and Turkey now overlap.... There were perhaps two and a half million of them in 1921; there are no reliable figures. There may be seven million of them today. They continue to fight for autonomy and are a subject of current concern to the governments of Iraq and Turkey." David Fromkin, *A Peace to End All Peace: The Fall of the Ottoman Empire and the Creation of the Modern Middle East* (New York, Avon Books: 1989), p. 503fn.

7 See Appendix D for copies of documents issued by the Ministry of Education.

8 See "The Maktoumeen," below, for additional information.

9 See Appendix A for additional information provided to Human Rights Watch by the Syrian government.

10 See Middle East Watch, *Syria Unmasked: The Suppression of Human Rights by the Asad Regime*, (New Haven and London: Human Rights Watch Books/Yale University Press, 1991), pp. 96-97.

11 Human Rights Watch/Middle East interview, Qamishli, Syria, April 1995.

12 "The Jazira Plain is the vast, level expanse of grassland and semi-desert that lies between the upper arms of the Euphrates and Tigris Rivers (*jazira* means 'island' in Arabic). It is watered by the Balikh and Khabur Rivers, both tributaries of the Euphrates, and with its good rainfall forms Syria's granary." Warwick Ball, *Syria: A Historical and Architectural Guide*, (Essex, England: Scorpion Publishing Ltd. and MCS, 1994), p. 4.

13 Human Rights Watch/Middle East interview, Qamishli, Syria, April 1995.

"Until superseded by petroleum in 1974, cotton was Syria's most important industrial and cash crop and the country's most important foreign exchange earner, accounting for about one-third of Syria's export earnings." Thomas Collelo, Editor, *Syria: A Country Study*, (Washington, D.C.: Federal Research Division, Library of Congress, 1988), p. 141.

14 "In an attempt to reduce Kurdish presence along Syria's northern border, plans were made for their deportation and implantation of Arabs along and in between Kurdish areas. In 1963 a study by a lieutenant of the Syrian Secret Police in the Jazirah, Talib Hilal, advocated massive deportation of the Kurdish population from the Jazirah. This followed the 'census' of 1962, allegedly to halt infiltrations of Turkish Kurds into Jazirah, resulting in the 'Arab Belt' policy. This was never fully implemented, but ca. 120,000 Syrian Kurds were declared to be aliens and their nationality was taken

from them. Apart from ideologic and demographic considerations, the presence of oil reserves in the middle of the Kurdish area seems to have played a role," wrote the authors of "The Kurds of the Jazirah."

15 "Non-Arab groups [in Syria] generally live in partial isolation from each other, either in their own villages or cluster of villages or in specific quarters of towns and cities, mostly in the area north of Aleppo or in the Jazirah region of the northeast. The Jazirah is particularly heterogeneous; among its settled population, the proportion of non-Arabs is much greater than in any other region. The concentration of non-Arab groups in Halab Province [Aleppo governorate] and in the Jazirah gives these areas a distinct character and has caused concern in the central government about the maintenance of order there." Thomas Collelo, Editor, *Syria: A Country Study*, p. 62.

16 Kurdish villages in the area, in contrast, are much smaller, with as few as thirty homes each.

17 Human Rights Watch/Middle East interview, Qamishli, Syria, April 1995.

18 "The Kurds of the Jazirah."

19 From a defense statement submitted by the lawyers on behalf of eight Kurdish political prisoners to the Supreme State Security Court in Damascus in 1994.

20 Human Rights Watch/Middle East interview, Qamishli, Syria, April 1995. Abu Cheto is a pseudonym that this interviewee asked us to use. "Cheto" means rebel in Kurdish.

21 This information and similar data about the status of individual Kurdish families cited throughout this report was obtained by Human Rights Watch/Middle East through the efforts of Syrian Kurds in northeastern Syria. At our request in April 1995, they visited three Kurdish villages in Hasakeh governorate -- Salihiyya, Sa'diyya, and Aliya al-Gharbiyya -- and carried out a "census" of residents in each village, documenting the status of parents and their children. Copies of the information that was collected are on file at Human Rights Watch, in English translation as well as the original Arabic. The original documents remain in northeastern Syria.

22 Defense statement submitted on behalf of eight Kurdish political prisoners to the Supreme State Security Court in Damascus in 1994.

23 See Appendix A.

24 Syria's nationality law grants a child born in Syria the right to acquire the nationality of his or her Syrian Arab father, if the father is known, or the nationality of his or her mother if the mother is Syrian and the father is unknown. See below for additional information about the nationality law.

25 Some of the children are classified as "foreigners," like their fathers, but others are maktoomeen (unregistered). See below for explanations of these terms.

26 Human Rights Watch/Middle East interview, Qamishli, Syria, April 1995.

27 Human Rights Watch/Middle East interview, Qamishli, Syria, April 1995. To protect the identity of this individual, we must withhold his name and additional details about his case.

28 See government reply to Human Rights Watch in Appendix A.

29 The government also noted that they are not permitted to "register mechanized vehicles or automobiles," while adding that "they may do so on the strength of private contracts in their own names or through the intermediary of their friends or relatives who are Syrian citizens." *See* Appendix A.

30 "They are not granted food allotment cards [to purchase food] at official [supported] prices. They are, however, permitted to obtain the [foodstuffs] they need at free market prices, using as documentation their special personal or family paper," the government informed Human Rights Watch in July 1996.

31 "They are permitted to work in the institutions of the public sector, the joint [public-private] sector, and the private sector." *See* Appendix A.

32 "[A]ll those who have university degrees in medicine, pharmacy, law and engineering are permitted to open their own professional offices," the government wrote to Human Rights Watch in July 1996.

33 *See* Appendix A.

34 "The Kurds of the Jazirah."

35 *See* Appendix A.

36 The information was collected for Human Rights Watch/Middle East in April 1995 in an unofficial "census" in the village conducted by Syrian Kurds at our request. Copies of the census data, in the original Arabic and English translation, are on file at Human Rights Watch.

Sa'diyya is the Arabic name of the village; it is known in Kurdish as Girdeem. *See* "Suppression of Ethnic Identity," below, for information about the government's change of Kurdish place names to Arabic.

37 Human Rights Watch/Middle East interview, Qamishli, Syria, April 1995.

38 Human Rights Watch/Middle East interview, Qamlishi, Syria, April 1995.

39 Maktoumeen is a plural form of *maktoum*, which means hidden, concealed, suppressed; kept secret; or undisclosed. It is the opposite of what occurs through a report, survey, discovery, list or record. In this report, we render the term "unregistered" or "not appearing in the records," following the term *maktoum al-qayd* used in documents issued by Syrian government ministries to indicate the status of this discrete group of stateless Syrian Kurds. In the Syrian Kurdish context, the word is used to refer to those Syrian-born Kurds whose names have not been recorded by authorities in official population registers (*ghayr musajjal fi al-sajalaat*, in Arabic).

Historically, according to one Syrian Kurdish source interviewed by Human Rights Watch, the word maktoumeen was applied in Syria to the nomadic Bedouin tribes who wandered with their livestock across national borders. These Bedouin had never been registered with the central government, and their number, location and status were "unclear" and "uncertain," conveyed by the use of the term maktoumeen, our source said. He emphasized that the situation of the Syrian Kurds is different. The Kurds were settled in cities, towns and farming villages, and had been registered with official agencies, he said. He added that for the Syrian Kurds the term maktoumeen means the deprivation of citizenship or national identity. Syrian authorities might describe this as a bureaucratic matter (*masala ijraa'iyya*), but for the Kurds, he said, it is a political matter (*masala siyaasiyya*). He noted that from the point of view of the Syrian government, the status of the Kurdish maktoumeen is "unclear" or "still to be determined," and that this has been

reflected by the state's adoption of another term -- the more widely recognized *qayd al-dars* (under investigation) -- to refer to the Kurdish maktoumeen.

40 See Appendix A.

41 "The Kurds of the Jazirah."

42 Not providing such documents contradicts the assertions of the Syrian government in its 1996 report to the U.N. Committee on the Rights of the Child. The government's report states: "Syrian law seeks to ensure that every person born in Syria has an identity that clearly specifies his or her civil status. The father or, in his absence, relatives, as well as the physician, the midwife or directors of official institutions have an obligation to send the birth certificate of every newborn child to the Civil Register. *This ensures that every child is entered in the official State registers.*" (Emphasis added by Human Rights Watch.) The report continues: "Under Syrian law, every Syrian must hold a personal identity card specifying his or her civil status. According to Article 70 of the Civil Status Act: On reaching the age of 14 years, every male and female Syrian Arab must apply, within one year, for a personal identity card to be issued by the Civil Registry at his or her place of registration or residence. Application therefore prior to the said age is voluntary." U.N. Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, *Initial reports of States parties due in 1995, Addendum*, Syrian Arab Republic, CRC/C/28/Add.2, 14 February 1996, pp. 15-16.

43 *Ibid.*, pp. 53-54.

44 He explained that registration cards for cows are the same red color as the special identity cards issued to Syrian Kurdish "foreigners." The cows' ears are marked with the number on the registration card, which is used to obtain fodder from the state.

45 This information was collected in an unofficial "census" carried out in the village for Human Rights Watch/Middle East in April 1995 by Syrian Kurds. Copies of the census data, in the original Arabic and English translation, are on file at Human Rights Watch.

46 The person serving in the office of mukhtar functions as a channel of communication between local residents and administrative officials.

47 See Appendix A.

48 See Appendix B for a copy of this document.

49 Human Rights Watch/Middle East interview, Qamishli, Syria, April 1995.

50 Human Rights Watch/Middle East interview, Qamishli, Syria, April 1995. Individuals are also summoned in writing by security forces. See Appendix C for a copy of a summons issued in 1995 by the head of the Darbasiyyah office of General Intelligence. "In case of tardiness, we shall inflict the severest of punishments," the last line of the summons read.

51 Human Rights Watch/Middle East interview, Qamishli, Syria, April 1995.

52 Article 15.

53 Syria has not signed or ratified this convention.

54 Article 12(2) of the ICCPR states: "Everyone shall be free to leave any country, including his own." Article 12(4) of the ICCPR states: "No one shall be arbitrarily deprived of the right to enter his own country."

55 Article 23(2).

56 Article 3 of the Syrian Nationality Act No. 276 of October 1969, as amended, provides: "The following persons shall be deemed, *ipso facto*, to be Syrian Arabs:

a) Anyone born in or outside the country to a Syrian Arab father.

b) Anyone born inside the country to a Syrian Arab mother but whose paternity has not been legally established.

c) Anyone born inside the country to parents who are unknown, of unknown nationality or stateless. A foundling discovered within the country shall be deemed to have been born therein at the place in which he or she was discovered, failing proof to the contrary. d) Anyone born inside the country and who, at birth, was not entitled to acquire a foreign nationality by right of affiliation."

57 Syria has not ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which bars all forms of gender discrimination, including in matters of nationality. Article 9(2) of the Convention specifically provides: "States Parties shall grant women equal rights with men with respect to the nationality of their children."

In a 1995 report, Human Rights Watch/Middle East noted that Kuwait's citizenship law discriminated against women. The report concluded in its pertinent part: "It is clear that the rule in Kuwaiti Citizenship Law which denies Kuwaiti women --but not men -- the right to pass on their Kuwaiti citizenship to their children discriminates against women. In addition to its violation of international law by 'creating' statelessness -- children of Bedoon fathers and Kuwaiti mothers are classified as Bedoons in Kuwaiti law -- it violates CEDAW, which bars all forms of sex discrimination, including in matters of nationality." Human Rights Watch/Middle East, *The Bedoons of Kuwait: Citizens without Citizenship* (New York: Human Rights Watch, August 1995), p. 99.

58 Syrian law defines a child as a person under eighteen years of age.

59 Article 2(1) obligates States Parties to "respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status."

60 Despite Syria's multi-ethnic population, the 1973 constitution is replete with references to the Arab nation, the Arab revolution, and Arab society. Article 1(3) of the constitution states: "The people of the Syrian Arab Region are part of the Arab Nation, who work and struggle to achieve all-embracing unity." The constitution also states that Syria's educational and cultural system "shall aim at bringing up a national Arab generation" (Article 21). It further stipulates that any candidate for the presidency of the republic must be an Arab (Article 83).

61 Article 26 of the ICCPR states: "All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons

equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

62 Article 27 of the ICCPR states: "In those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language."

63 European diplomats offered this assessment in 1994: "Cultural rights are not formally recognised, but in practise the expression of Kurdish identity is not likely to lead to serious problems with the authorities. Kurdish language cannot be taught in schools but can be used in everyday life. Printing of Kurdish texts and books is not allowed but Kurdish texts do circulate in public." "The Kurds of the Jazirah."

64 A copy of the speech, dated March 4, 1995, is on file at Human Rights Watch. Mr. Darwish was prevented from attending the conference in Copenhagen because Syrian authorities refused to renew his passport. Also *see* "Arbitrary State Actions Based on Ethnicity," below, for additional information about restrictions on travel abroad.

65 Human Rights Watch/Middle East interview, Qamishli, Syria, April 1995.

66 *See* Appendix E for the original document and the unofficial English translation.

67 Decree No. 1012/sad/25, as reported by the Committees for the Defense of Democratic Freedoms and Human Rights in Syria (CDF), "*Rapport Annuel 1995*" (France: 1996), p. 15.

The governors of Syria's thirteen provinces, or governorates, are not elected. Governors are "nominated by the minister of interior and appointed by the central government." Thomas Collelo, Editor, *Syria: A Country Study*, p. 193.

68 Order No. 1865/sad/24. CDF, "*Rapport Annuel 1995*," p. 15.

69 Human Rights Watch/Middle East interview, Qamishli, Syria, April 1995.

70 *See* Appendix A.

71 *See* Appendix F for the original document and the unofficial English translation.

"In urban areas, local municipal councils license businesses, control public services and utilities, and levy taxes. Some members of these councils are elected and some appointed." Thomas Collelo, Editor, *Syria: A Country Study*, p. 194.

72 Human Rights Watch/Middle East interview, Qamishli, Syria, April 1995.

73 "The Kurds of the Jazirah."

74 "The Kurds of the Jazirah."

75 Human Rights Watch/Middle East interview, Qamishli, Syria, April 1995. The use of rumors is a technique used by Syria's security apparatus to create fear or foment sectarian strife, according to Kurdish sources. "Each security apparatus has its operatives who are directed to spread a rumor," one of our sources in the northeast said. "These agents start speaking, then people begin to spread the rumor themselves. As political activists, we have to work hard to

counteract this."

76 Human Rights Watch/Middle East interview, Qamishli, Syria, April 1995.

77 The State Department's 1995 country report on Egypt, in contrast, included a detailed list of various types of discriminatory state practices against members of the Coptic Christian minority in that country (which, like the Kurds in Syria, comprise about 10 percent of the population) including problems shared by the Kurds in Syria such as "suspected statistical underrepresentation of the size of the...population"; "job discrimination in the public sector, the police, the armed forces, and other government agencies"; "reported discrimination...in admission to state medical schools"; and "underrepresentation in government" including "the upper ranks of the military, police and diplomatic service."

78 The names of the twenty-one men are on file at Human Rights Watch.

79 Human Rights Watch/Middle East interview, Qamishli, Syria, April 1995.

80 Human Rights Watch/Middle East interview, Qamishli, Syria, April 1995.

81 CDF, *Rapport Annuel 1995*, p. 15.

82 A copy of this letter is on file at Human Rights Watch/Middle East.

83 "The Kurds of the Jazirah."

84 We interviewed him in Qamishli, Syria, in April 1995. The account of his torture is included in Human Rights Watch/Middle East, "Syria: The Price of Dissent," *A Human Rights Watch Short Report*, vol. 7, no. 4, July 1995, pp. 33-34.

85 "The Kurds of the Jazirah."

86 Human Rights Watch/Middle East interview, Qamishli, Syria, April 1995.

87 For information about torture under interrogation and state security court trials, see Human Rights Watch/Middle East, "Syria: The Price of Dissent."

88 The unauthorized, clandestine Kurdish Workers Party in Syria, the Kurdish Popular Union Party in Syria, and the Kurdish Democratic Party in Syria. The umbrella organization for these parties is the Kurdish Democratic Union in Syria.

89 Their names are: Muhammed Hassan Yosuf, Muhammed Sharif Abu Zayd, Ahmad Muhammed Ibrahim, Zaki Muhammed Hajji, Dara Nayif Hasso, Yunis Hammi Hussein, Muhammed Bashir Mulla Ahmed, and Muhammed Walid Abd'al-Qadir Haj Hussein.

The vaguely formulated charges against these eight men are typical of the charges used to prosecute suspected political activists in Syria before the state security court. For additional information, see "The Price of Dissent."

90 Human Rights Watch, *Human Rights Watch World Report 1994* (New York: Human Rights Watch, 1993), p. 335.

91 CDF, "*Rapport Annuel 1995*," p. 15.

92 See "Background: Arabization in Northeastern Syria," above, for information about the Arab belt.

93 "The Kurds of the Jazirah."

94 *Ibid.*

95 Their names are: Hamid Darwish, a lawyer; Kamal Darwish (unrelated to Hamid Darwish); and Fouad Ali Koh.

96 Human Rights Watch/Middle East interview, Qamishli, Syria, April 1995.

97 "The Kurds of the Jazirah."

98 According to European diplomats, three of these "independents" were Arab tribal chiefs, and Zayya Malik Ismail an Assyrian. They also noted that two Kurds from Hasakeh who won parliament seats were members of the Ba'th party, and one was a communist. "The Kurds of Jazirah."

99 Human Rights Watch/Middle East interview, Qamishli, Syria, April 1995.

100 Human Rights Watch/Middle East interview, Qamishli, Syria, April 1995.

101

The term used here, *istiitaan*, is also the term used to refer to the process of Israeli settlement in the Occupied Territories. This footnote, and the ones that follow, are from the Human Rights Watch translator.

102 The term *al-mutasalliliin al-'aghraab*--the alien infiltrators--is used consistently throughout the document to refer to those who are considered neither Syrian citizens nor foreigners.

103 The Arabic text uses verbs of acquisition and attainment to refer to the process of becoming a citizen, preserved in the translation.

104 These are unspecified, in contrast to the more well-defined Syrian identity cards described in section I, above.

105 The Arabic alphabet is adapted for use in other languages by making minor changes in existing letters, such as in the number of dots above or below a letter, to represent sounds not present in Arabic.

106 *Qayd*, "registration," appears here without *maktoum*.

107 i.e., registration as a foreigner

108 In this and the following document three different Arabic terms can be rendered into English as registration: *iktitaab*, *qayd* and *tasjeel*. Only *qayd* occurs in construct with *maktoum*.

The full expression, *maktoum al-qayd*, can be translated in a number of ways, the simplest of which is "unregistered." Alternatively one might choose the more ambiguous phrase "of undisclosed registration" for *maktoum al-qayd*. The

abbreviation could then be rendered as "undisclosed" (for the singular, *maktoum*) and as "undisclosed persons" (for the plural, *maktoumeen*).

Regardless of the translation, the appearance on government documents of both the full phrase and its abbreviation is significant, because the abbreviation, *maktoum*, can describe both the registration and the individual.

109 Translator's notes: The names are transliterated rather than translated. Consonants are generally translated according to Classical Arabic pronunciation. Vocalization is approximate.

The first page of the original is translated in its entirety. The following pages provide partial translation from the last three pages of the eight page Arabic resolution.